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ABSTRACT

State special education regulations on class size/caseload in special education programs and services are analyzed, and regulations from 21 states are excerpted. Research on class size in general education and special education is reviewed. While there are hundreds of studies reported for general education, there have been very few studies focused on class size and special education. Characteristics of some state regulations that govern student-teacher ratios are addressed. State requirements for class size/caseload in special education programs and services are more specific and complicated than those for general education. It is suggested that there is no single best way to determine appropriate class and group size for special instructional programs and services. However, there is a need for more research to identify factors involved to support the policymaking process. Regulatory information is presented for the following states: Alabama, California, Illinois, Indiana, Iowa, Kansas, Massachusetts, Maryland, Maine, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Utah, and West Virginia. (Contains 14 references.) (SW)

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CASELOAD/CLASS SIZE IN SPECIAL EDUCATION:

A BRIEF ANALYSIS OF STATE REGULATIONS

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By

Eileen M. Ahearn, Ph.D.

Final Report
Year 3 Deliverable #7-3-3
Under Contract No. HS92015001
December 12, 1995

Prepared for:
Office of Special Education Programs
U. S. Department of Education

Prepared by:
Project FORUM

National Association of State Directors of Special Education
1800 Diagonal Road, Suite 320
Alexandria, VA 22314

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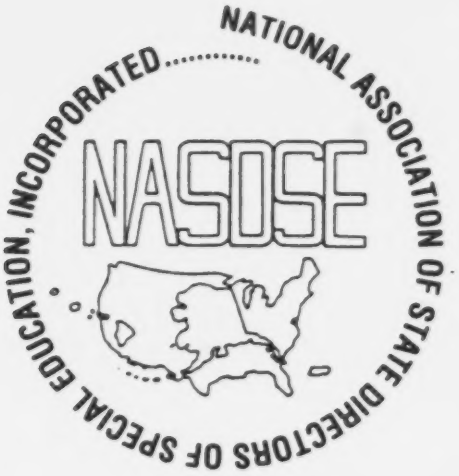

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ABSTRACT

This report is an analysis of state special education regulations on class size/caseload in special education programs and services. The introduction includes a review of the issue as it pertains to general education including a discussion of the extensive research reported in the literature. The small research base on class size in special education settings is briefly summarized. The pending revision of the federal special education law and the growing inclusion movement are cited as incentives for a review of state regulations. The major portion of the report is an analysis of the characteristics of state special education regulations on the issue, followed by a section containing excerpts from the regulations of twenty-two states. The study cites a need for more research on this complex issue, and concludes that there is no single best way to determine appropriate class and group sizes for special programs and services.

FOREWORD

This report is the result of a study done under Project FORUM, a contract funded by the Office of Special Education Programs of the U. S. Department of Education and located at the National Association of State Directors of Special Education (NASDSE). Project FORUM carries out a variety of activities that provide information needed for program improvement, and promote the utilization of research data and other information for improving outcomes for students with disabilities. The project also provides technical assistance and information on emerging issues, and convenes small work groups to gather expert input, obtain feedback, and develop conceptual frameworks related to critical topics in special education.

The purpose of this brief analysis is to provide an overview of the issue of caseload/class size especially as it pertains to students with disabilities, and to present examples of current state regulations in this area. Since the setting of requirements for ratios between students and staff in special education is entirely controlled at the state level, it is not expected that the reauthorization of the federal special education statute, the Individuals With Disabilities Education Act (IDEA), will have any direct effect on this matter. However, states will be reviewing their regulations to conform with revisions in the federal law that are expected to be made final in early 1996, and issues pertaining to caseloads will most likely also be reviewed. This brief analysis is intended to be a resource to states in that review.

CASELOAD/CLASS SIZE IN SPECIAL EDUCATION: A BRIEF ANALYSIS OF STATE REGULATIONS

INTRODUCTION

The issue of optimum class size has been argued at length in American educational literature. Age of the students, the methodology of instruction, and whether the program is in general or special education are critical factors in the discussion. The National Association of State Directors of Special Education (NASDSE) uses a database of state policies to respond to inquiries from all sectors of the education community and, in the past three years, cites the issue of class size/caseload as the most common request for information from that database.

In view of the intensity of interest in student-teacher ratios as well as the pending changes that will accompany the reauthorization of the federal special education law, Individuals With Disabilities Education Act (IDEA), a current review of this issue, especially as it pertains to the education of students with disabilities, is needed at this time. This document is designed to meet that need. The contents include a brief overview of existing research and theories on class size, and a discussion of the factors used by states to develop their regulations for programs and services provided to students with disabilities. The largest component of this document is the section on state criteria for caseload/class size as contained in current state special education rules and regulations. That material is reproduced from a computerized database of state policies and paper copies of state documents contained in the NASDSE library.

Background

Every piece of writing on the value of reduced class size starts with the observation that this issue has been one of the most common and controversial topics in educational research in the past few decades. Tomlinson (1988) goes further than others in profiling the history of this debate, tracing it from the time of Socrates in ancient Greece (p. 7). The more modern phase of the debate was generated by the dramatic increase in the numbers of American children attending school from the start of this century and the passage of compulsory attendance laws. The resultant need to provide education in the most efficient and cost effective way has provoked the contemporary debate on optimum class size. In addition, the current educational reform movement has included proposals to reduce class size to improve student achievement.

It is beyond the scope of this report to review in depth the current thinking and research on class size in general education. A literature review produces numerous citations,

some of which have been listed in the reference list of this report (Finn, 1990; Finn et al, 1990; Folger, 1989; Folger & Breda, 1989; Glass & Smith, 1978; Holliday, 1992; Odden, 1990; Tomlinson, 1988). The next section will provide a very brief overview of the major issues as they concern general education.

Research on Class Size in General Education

Class size has been studied most often with respect to student achievement, and hundreds of studies are reported in the educational literature. The meta-analysis of 77 studies by Glass and Smith (1978) is most frequently cited as a major study, although recent articles have questioned its findings. Smith and Glass concluded that there is a strong relationship between class size and student achievement. Their statement that class size must be reduced to at least the level of 15 students before it impacts significantly on achievement is quoted in most of the writing on this topic. Subsequent criticisms of that meta-analysis were made on the basis of methodological factors in both the original studies used in the analysis, and the statistical interpolations used to draw the conclusions.

Other large scale studies resulted in different findings concerning achievement, and incorporated other relationships such as the effects of class size on teacher morale, instructional strategies, maintenance of student discipline, student attitudes and interests, and the overriding issue of cost (Odden, 1990). Some have stressed that reduction in class size is a very expensive way to drive student achievement, and that the connection is very slight beyond early elementary grade levels.

One of the most recent large scale experiments in reducing class size was Project STAR, a longitudinal study carried out and supported by the state of Tennessee under a contract with four universities (Folger, 1989). The Fall 1989 issue of the *Peabody Journal of Education* was devoted to reporting the results and policy implications of the project, and other reports have also appeared in the literature (Finn & Achilles, 1990; Finn et al, 1990). The "lessons learned" concerning student achievement effects are summarized in one of the articles, and include the interaction between class size and other variables of socioeconomic status, geographical location, and grade level (Folger & Breda, 1989, p. 29). The major conclusion is that across-the-board class size reduction is an expensive way to make a modest improvement in student achievement. References are also made to other objectives that should be considered including future reductions in dropout rate, teacher morale, and the quality and amount of teacher-student interaction time. Project STAR findings support the use of a targeted approach, making class size reduction one part of a comprehensive strategy to raise achievement levels.

Many of the more recent analyses stress the need to view class size as a variable that must be connected with other factors related to the provision of appropriate instruction to students. Indeed, that is the basis for the types of programs and services that have been developed under special education, and it is the theoretical basis for the requirements now contained in federal and state law that mandate an individual educational program for each student with a disability. Student-teacher ratios are an integral part of special education requirements, and the remainder of this report will focus on this area.

SPECIAL EDUCATION ISSUES

The size of instructional groups has always been a primary concern in the planning of special education services. It has been assumed that students who have difficulty in a general class setting need placement in a smaller group to receive more individualized attention. However, the IDEA passed in 1975, has no specific provision concerning caseloads or class size. All such requirements are set up under individual state laws, and no two states have exactly the same specifications. In fact, there is extensive variation among states on this topic. The following section is a brief overview of relevant research in special education in this area, and a discussion of the major characteristics of state regulations that govern student-teacher ratios.

Special Education Research on Class Size

There is a striking contrast between the amount of literature available on this issue in general education versus special education settings. While there are literally hundreds of studies reported for general education, there have been very few studies focused on students with disabilities.

In an article published in 1989, Ysseldyke reported on a national survey of special education teachers that inquired about student-teacher ratios and instructional arrangements for students with mild disabilities. Respondents included 141 elementary teachers and 79 at secondary. The average for the group ratios was 4.7:1, with a range from 1:1 to 15:1. At the elementary level, the average was 4.5:1; the secondary mean was 5.1:1. The study also indicated that special education teachers were generally unfamiliar with local district guidelines for ratios, and that those who were aware of them felt that they were ambiguous and/or difficult to apply.

In a 1993 article, Thurlow, Ysseldyke and Wotruba reported on a study of the differences in both quantitative and qualitative aspects of instruction in various size groupings for students with disabilities. Lower student-teacher ratios were related to an increased

amount of time on academic tasks and student academic responses, as well as fewer incidents of inappropriate behavior. Smaller ratios were also related to more teacher time spent on checking for student understanding and giving feedback.

Under contract with the New York State Education Department, MAGI Educational Services (1995) conducted two studies to evaluate the effects of changes in class size regulations on the special education delivery system. The revised regulation changed the special class ratio from 12:1 to 15:1 and the studies examined the effects on educators, parents and students. The descriptive study revealed wide differences of opinion about the change between administrators and teachers: special education directors and chairpersons supported the change, while teachers did not. Effects on students, as reported by teachers, were negative at the elementary level, but secondary teachers reported some benefits of increased class size due to students' feeling less stigmatized in larger classes. The study found that most parents were not aware of the issue, but those who were expressed concern about the effects on their child's education.

The second component of the MAGI study used an experimental design to study student and teacher behavior under different ratios. The instruments used to gather data about student-teacher interactions were the same a those used in the Thurlow study (Thurlow et al., 1993), and the findings were similar. The key finding reported was that a larger class size at the elementary level was associated with less time spent on student academic behaviors, and more time spent on student acting-out behaviors. The differences were greatest when the class size was less than 9 or more than 13. No conclusions could be drawn about the effects at secondary level because there were only a small of classes with 13-15 students.

A number of "lessons learned" from the MAGI study are discussed in the report. First, class size is a significant factor at the elementary level, with increasing class size bringing decreased academic engagement time and more student acting-out behaviors. However, class size was shown not to be an isolated variable. Other conditions such as appropriate grouping, the use of paraprofessionals, and teacher experience were found to influence the effects. Class size is also described as an emotionally charged issue in special education mostly because smaller classes have been seen as the primary justification for placing students with disabilities in self-contained classrooms.

Further complications in designing research are being introduced by the current inclusion movement that is resulting in increased delivery of special services in the general education classroom and a decrease—or even complete elimination—of the pull-out component of special education programs. The MAGI studies concentrated on the delivery of instruction to students with disabilities in a separate setting, even though those students spent some of their time integrated into general education classes. Although past studies showed strong evidence of academic benefit in small groupings, special education

policymakers will not find enough specific research on caseload/class size to assist in revising caseload/class size regulations given the changes in school environments that are resulting from the current educational reform movement.

Federal Requirements

As mentioned above, federal laws governing service to students with disabilities do not contain any specific requirements for caseload or class size. The role of federal oversight in this area was explained by the Assistant Secretary of the Office of Special Education and Rehabilitative Services in a letter to a member of the House of Representatives who had inquired about the issue (Letter to Fascell, 1991). The letter states that IDEA does not specify teacher-pupil ratios and that states may establish such rations. However, it notes that, in doing so, the states must ensure that a free appropriate education (FAPE) is provided for all children in the least restrictive environment. Thus, although it does not prescribe specific conditions of instructional group sizes, the federal Department of Education does have oversight of state requirements as to class size through its monitoring responsibility of state implementation of the federal law.

CHARACTERISTICS OF STATE REGULATIONS

Schools provide services for students with disabilities through teachers and a wide variety of related services providers such as speech and language therapists, occupational and physical therapists, psychologists, etc. State regulations vary in specificity in terms of the providers and ratios covered by their requirements. Some prescribe ratios for all types of service providers, while others make only general distinctions between teachers and related personnel. In discussing service deliverers, the term *teacher* is used generically in this report unless a specific service deliverer is noted.

In reviewing state regulations on this topic, it is important to clarify some terminology. For the most part, the term, *class size* refers to the number of students a teacher is instructing at a given time. The term, *caseload*, is used to denote the total number of students for whom a teacher has some degree of responsibility. Some states, such as Kansas, make very precise use of these terms. Distinctions between terms such as *average* and *maximum* are also significant when interpreting a state's requirements.

Some states include exact *age spans* for the students included in a class or instructional group. Examples can be found in the regulations of Massachusetts, New Jersey, and New York. Most states also permit a limited increase in group size if a *paraprofessional* is included in the staffing pattern. Another standard included by Massachusetts and Maryland

for group size is the *amount of time the student is removed from general education.* Differences in requirements based on *grade level* is also a common practice. Ratios for *preschool* groups are always specified separately even if special class sizes for elementary, middle and high school levels are all the same.

Another common criterion is *type of program or service.* For example, Maine differentiates requirements by services such as speech and language, therapy services, social work services, and resource services; Michigan organizes its requirements around disabling conditions such as visually impaired; Missouri and Iowa use terminology related to program models such as itinerant services and self-contained classrooms. Some states refer to the standards for related service providers that have been established by their respective professional organizations.

Most states include a *combination of criteria* for class sizes and caseloads in their regulations. For example, in introducing its specifications, Illinois states that the principal determinants of the number of students served in each special education instructional program shall be the age of the students, the *nature and severity of their exceptional characteristics*, and the *degree of intervention necessary.* Another example is North Dakota where an "approvable class size" is specified by number for elementary and secondary level. However, the criterion *appropriate to their need* is used when discussing the caseload for support personnel in North Dakota and only a range of numbers is suggested for each type of specialist's caseload. Other states that use combinations of criteria are Alabama, Kansas, Nebraska, and West Virginia.

Missouri and Oklahoma use *formulas* as the basis for determining appropriate group or caseload sizes. The Missouri formula combines the *number of individualized educational plans* for which a teacher is responsible with the *aggregate number of equivalent student contact hours* accruing to each teacher during the day. The sum is considered a "Caseload Number" which may not exceed 60. Instructions are given for using the formula as are precise definitions for each term in the formula. In an explanatory section on the implementation of these regulations, it is noted that the Caseload Number is a limit, not a goal, and that districts will need to designate an appropriate number based on the instructional needs of the students. Examples of needs for lower limits are elementary level and students with behavior that requires more individualized attention. In Oklahoma, each child counts as a percentage of the teacher's total caseload and the number of children is multiplied by the *assigned percentage for that placement.* The teacher's maximum may not exceed 1.0 which, for example, would result from having 25 children in a resource placement that is assigned .04 as its percentage.

Some state regulations provide for *exceptions* to the regulations to be granted by the State Department of Education. Illinois and Oklahoma are examples. In both cases, written approval is required.

CONCLUSION

It is clear that state requirements for class size/caseload in special education programs and services are much more specific and complicated than those for general education. The specialized nature and variety of the services delivered to students with disabilities, combined with the restrictions that are attributable to their disabling conditions, contribute to those complications. However, the educational reform movement, with its emphasis on applying improvements to all students, and the inclusion movement being fostered by many in the special education community indicate a need for reconsidering current requirements for class size/caseload as they apply to students with disabilities.

There is no single best way to determine appropriate class and group sizes for special instructional programs and services. However, it is evident that available information is inadequate for making decisions. There is a need for more research on this complex issue to identify the interaction of the many factors involved and to inform the policymaking process.

EXAMPLES OF STATE REGULATIONS

The remainder of this report presents reproductions of selected states' regulations related to caseload/class size. Project FORUM at NASDSE maintains the State Policy Database, a full text searchable database of state documents, that includes Part B State Plans, Special Education Regulations and Laws, and federal laws and regulations. Electronic copies of these documents are currently available for only 43 states, and not all documents are included in the database for each of those states. In addition, some tables included in this report were copied from paper versions because they did not print accurately when extracted from the database.

Extracted from State Policy Database

California
Illinois
Indiana
Massachusetts
Maryland
Maine
Michigan
Missouri
Nebraska
New Hampshire
New Jersey
New York
North Carolina
North Dakota
West Virginia

Copied from Printed Version

Alabama
Iowa
Kansas
Missouri
Oklahoma
Pennsylvania
Utah

CALIFORNIA - STATE EDUCATION LAWS

> 56363.3. The average caseload for language, speech, and hearing specialists in districts, county offices, or special education local plan areas shall not exceed 55 cases, unless the local comprehensive plan specifies a higher average caseload and the reasons for the greater average caseload.
>
> 56441.7. (a) The maximum caseload for a speech and language specialist providing services exclusively to individuals with exceptional needs, between the ages of three and five years, inclusive, as defined in Section 56441.11 or 56026, shall not exceed a count of 40.
>
> (6) For a pilot program operated pursuant to subdivision (a), the apportionment authorized under this section shall include the costs of one certificated person who shall serve as a mainstream education liaison. The workload of a mainstream education liaison shall not exceed a full-time equivalent per pupil caseload of 20.
>

ILLINOIS - REGULATIONS FOR SP.ED.

> Section 226.225 Instructional Programs Class Size
>
> The principal determinants of the number of students served in each special education instructional program shall be the age of the students, the nature and severity of their exceptional characteristics, and the degree of intervention necessary. All exceptions to the following program size limitations shall require the written approval of the State Board of Education prior to the implementation of the program.
>
> a) Early childhood instructional programs shall have a maximum ratio of one (1) qualified teacher to five (5) students in attendance at any one given time; total enrollment shall be limited according to the needs of the students for individualized programming.
>
> b) Instructional programs which primarily serve children whose exceptional characteristics are either profound in degree or multiple in nature shall have a maximum enrollment of five (5) students.
>
> c) Instructional programs which primarily serve children whose principal exceptional characteristics are severe visual, auditory, physical, speech or language impairments, or behavioral disorders shall have a maximum enrollment of eight (8) students.
>
> d) Instructional programs which primarily serve children whose principal exceptional characteristics are learning disabilities or severe mental impairment; programs which are primarily diagnostic or developmental or programs which serve children with differing exceptional characteristics shall have a maximum enrollment of ten (10) students.
>
> e) Instructional programs which primarily

serve children whose principal exceptional characteristics are moderate visual or auditory impairment shall have a maximum enrollment of twelve (12) students.

f) Instructional programs which primarily serve children whose principal exceptional characteristics are educational handicaps or mild/moderate mental impairment shall have a maximum enrollment of twelve (12) students at the primary level and fifteen (15) students at the intermediate, junior high, and secondary levels.

g) The local school district may increase the enrollment in a special education instructional program by a maximum of two (2) additional students to meet unique circumstances which occur during the school year. Such additions may be made only when the educational needs of all students who would be enrolled in the expanded program can be adequately and appropriately met, OR, the school district may increase the enrollment in a special education instructional program by a maximum of five (5) additional students when the program is provided with a full-time, noncertified assistant.

h) When the district wishes to exceed the maximum enrollments indicated above, approval shall be requested by writing to the State Board of Education, Department of Specialized Educational Services. The request shall include a rationale for the proposed enrollment variation and a plan for its evaluation. If the request for an enrollment deviation is denied, the district may appeal the decision to the State Superintendent of Education.

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INDIANA - REGULATIONS FOR SP.ED.

(f) The caseload for a teacher providing homebound instruction shall not exceed five (5) students at any given time. Instruction and related services for students identified as disabled shall be provided by teachers licensed in the disability area of the students, or in the appropriate related service. Instruction for all other students shall be provided by teachers licensed to teach the grade level of the students.

(g) The caseload for a teacher providing consultation or home-based instruction for early childhood special education cannot exceed twenty (20) students.

(f) The special education caseload shall be prorated and reduced as necessary if one (1) of the following circumstances exist:

(1) A full-time special education teacher or speech-language pathologist provides services to students in more than one (1) of the placement options.

(2) The special education teacher or speech-language pathologist is employed or contracted on less than a full-time basis. (3) The special education teacher or speech-language pathologist serves more than one (1) building and travel is required.

(b) The caseload for a special education teacher, speech-language

pathologist, or related services provider who provides consultative
services is based on the criteria in section 1 of this rule and shall be limited in number to allow the teacher to meet the individual needs of each student enrolled as specified in the student's individualized education program.

> (e) The number of special education students assigned to a special education teacher, speech-language pathologist, or related services personnel is determined by:

> (1) The nature and severity of the students' disabilities.
> (2) The type and intensity of services needed as specified in the individualized education program.
> (3) The chronological ages of the students.
(4) The chronological and mental age range of the students in part-time and full-time special education placements.

> (f) The special education caseload shall be prorated and reduced as necessary if one (1) of the following circumstances exist:

> (1) A full-time special education teacher or speech-language pathologist provides services to students in more than one (1) of the placement options.
> (2) The special education teacher or speech-language pathologist is employed or contracted on less than a full-time basis. (3) The special education teacher or speech-language pathologist serves more than one (1) building and travel is required.

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MASSACHUSETTS - REGULATIONS - SP.ED.

> 502.2 Regular education program with no more than 25% time out.

> All of the provisions of 502.1 shall apply to programs within this prototype; provided, however, that such programs shall have the following additional characteristics:

> 502.2(a) The child shall be removed from the regular education program and classroom to receive any of the services listed in 503.2 which the TEAM specifies should be provided to the child outside the regular education classroom; provided, however, that the child shall not be removed from the regular education classroom for more than 25% of the class time of each school day.

> 502.2(b) The number of children in any one instructional group shall not exceed the following limits:

> 502.2(b)(i) Eight children for each teacher or other qualified professional.

> 502.2(b)(ii) Twelve children for each teacher or other qualified professional where such teacher or professional is assisted by one aide.

> 502.2(b)(iii) Sixteen children for each teacher or

other qualified professional where such teacher or professional is assisted by two aides.

>
> 502.3 Regular education program with no more than 60% time out.
>
> All of the provisions of 502.2 shall apply to programs within this prototype; provided, however, that the child may be removed from the regular education program and classroom, to receive services as described in 502.2(a), for no more than 60% of the class time of each school day.
>
> 502.4 Substantially separate program.
>
> Each school committee shall provide a program within this prototype to each child in need of special education for whom the IEP specifies such a program. Programs within this prototype shall have the following characteristics:
>
> 502.4(a) The child shall be assigned to a program or programs made up entirely of children in need of special education.
>
> 502.4(b) In each program the number of children for each teacher shall not exceed eight, and for each teacher with an aide, shall not exceed twelve. This ratio of children to staff shall apply when one or more students in this prototype are receiving special education with students from other prototypes.
>
> 502.4(c) The ages of the youngest and oldest child in each program shall not differ by more than forty-eight months. A written request for approval of a wider age range may be made to the Division, which may approve such request.
>

MARYLAND - REGULATIONS FOR SP.ED.

> C. Professionals may provide service concurrently at
> more than one intensity. Caseloads or class sizes shall
> be adjusted accordingly based upon the full-time
> equivalent assignment. In establishing the individual
> professional caseload, consideration should be given to
> the individual education program of the students served by
> the professionals and the amount of time needed for
> consultation among general and special education teachers
> and other professionals to help the education of students
> in the least restrictive environment.
>
> (1) The intensities of service set forth in
> sE(2)--(6) of this regulation may be considered
> appropriate for the student who has been identified
> through the special education decision-making process as
> having an educational disability as defined in Regulation
> .02B(13) and (14) of this chapter:
>
> (2) Intensity I may be considered appropriate for the
> student who may be appropriately served in the general
> education program receiving supplementary services.
> Intensity I is designed to assist the nonspecial education
> teacher in the development and implementation of a special

> education individualized education program through the
> provision of supplementary services which are not provided
> in the general program. Services provided include direct
> or indirect instructional consultation services to the
> teacher, or special materials, or both, and equipment.
> The minimum staffing ratio for Intensity I service shall
> be one full-time equivalent professional for each 150
> nonspecial education teachers employed by the public
> agency.
>
> (3) Intensity II may be considered appropriate for the
> student who may be appropriately served by receiving
> service through the special education program not to
> exceed an average of 1 hour per school day. Intensity II
> is designed to provide a program of special educational
> intervention directly to the student. This intensity is
> designed to meet the special educational needs of a
> student with a disability who requires direct special
> educational intervention not provided by the general
> education program. Services are provided by a
> professional on an intermittent or continuous basis, for
> example, vision, speech, and language. The instruction
> may be given on an individual basis or in small groups.
> In addition, personnel serve as a resource to the teacher
> in suggesting activities which would enhance the student's
> achievement. The maximum case load for Intensity II
> service shall be an average of 60 students with
> disabilities with special educational needs per each
> full-time equivalent professional.
>
> (4) Intensity III may be considered appropriate for
> the student who may be appropriately served by receiving
> special educational services not to exceed an average of 3
> hours per school day. Intensity III is designed to
> provide periods of more intensive special education
> services, for example, academic, vision, speech, language,
> on a regular basis. In addition, personnel serve as a
> resource to the teacher in suggesting activities which
> could enhance the student's achievement. The maximum case
> load for Intensity III services shall be an average of 20
> different students with disabilities with special
> educational needs per full-time certified special
> education teacher or an average of 30 different students
> with disabilities, if a full-time aide is also provided.
>
> (5) Intensity IV may be considered appropriate for the
> student who may be appropriately served by receiving
> special educational services for more than 3 hours per
> day. Services include special education provided by a
> special education teacher, and related services as
> described in the individualized education program. The
> maximum class size or caseload for Intensity IV service at
> the elementary level shall be an average of 10 students
> with disabilities with special educational needs per
> full-time teacher or an average of 13 students if a
> full-time aide is also provided. The maximum class size or
> caseload for Intensity IV service at the secondary level
> shall be an average of 12 students with special
> educational needs per full-time certified special
> education teacher or an average of 15 students, if a

> full-time aide is provided.
>
> (6) Intensity V may be considered appropriate for the
> student who requires a more intensive special education
> program than Intensities I--IV. The maximum class size or
> caseload for Intensity V service for students with
> disabilities shall be an average of 6 students with
> disabilities with special educational needs per full-time
> certified special education teacher or an average of 9 if
> a full-time aide is provided. The maximum class size or
> caseload for Intensity V service for students with
> significant physical impairments shall be an average of 7
> students with disabilities per full-time certified special
> education teacher and a full-time aide.
>
> (7) Intensity VI may be considered appropriate for the
> student who requires special education programming and
> related services in a residential setting. This includes
> 24-hour special education and related services if
> determined by the Admission, Review, and Dismissal
> Committee to be necessary to implement the student's
> individualized education program. Any recommendation for
> placement into a public or private residential facility
> must be referred to the local coordinating council
> pursuant to Article 49D, s19, Office for Children, Youth
> and Families, Annotated Code of Maryland. The maximum
> class size or caseload for Intensity VI service shall be
an average of 4 students with disabilities with special
> educational needs per full-time certified or licensed
> professional or an average of 7 per class where an aide is
> present.
>
>

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MAINE - REGULATIONS FOR SP.ED.

> 5.1A Student Teacher Ratios
> The student-teacher ratios or caseloads contained herein specify
the maximum number of students who may be served by each full-time,
certified special education teacher. A school administrative unit may,
as a matter of local policy and in consideration of additional
responsibilities assigned, specify a lower number of students to be
served by each full-time, certified special education teacher.
>
> 5.12 Speech and Language Services
> A licensed speech pathologist or speech clinician certified by the
Department may provide speech and language services if recommended by the
Pupil Evaluation Team and included in the student's Individualized
Education Program. The maximum student-therapist caseload, including
both consultation and direct services, shall not exceed 50 for each full-
time equivalent speech pathologist or speech clinician.
>
> 6.5 Occupational Therapy, Physical Therapy Services
> A licensed occupational therapist and licensed physical therapist
may provide occupational or physical therapy services, respectively, if
determined by the Pupil Evaluation Team and included in the student's
Individualized Education Program. Such supportive services shall be
required in order that the student may benefit from his/her special
education program. The
maximum student - therapist caseload, including both consultation and

direct services, shall not exceed 50 students per each full-time equivalent provider.

> 6.8 Social Work Service

> A social worker licensed by the State Board of Social Work Licensure may provide social work services include preparing a social or developmental history of a student with a disability; group and individual counseling with the student and family; working with those problems in a student's living situation (home, school, and community) that affect the student's adjustment in school; and mobilizing school and community resources to enable the student to receive maximum benefit from his or her educational program.

> A social worker licensed by the State Board of Social Work Licensure may provide social work services to students, school staff members, and parents consistent with the laws and regulations governing the practice of social work (Title 32, MRSA, Section 7001 et seq.). The maximum student-therapist caseload shall not exceed 50 students per each full-time equivalent licensed social worker.

> 5.4 Resource Services

> A. Definition - Resource services are special education services in which students with disabilities receive less than half of their academic and/or behavioral instruction from an appropriately certified special education teacher.

> B. Teacher qualifications - The teacher responsible for resource services shall be certified as required by Chapter 115 as amended (Certification Endorsements for Teachers).

> C. Student-teacher ratio - The ratio of students to each full-time equivalent certified special education teacher providing resource services shall not exceed a total of 35 to 1, with no more than 8 being served at any one time.

> During the time that auxiliary personnel work under the supervision of the certified special education teacher providing the resource services, thirteen (13) students may be served, but the total caseload ratio shall not change (see Section 5.9).

> Monitoring services shall include regular observations and meetings between a certified special education teacher or certified special education consultant, the student and the student's teacher(s) to discuss the student's program and progress. The frequency of these meetings shall be determined by the P.E.T. but will be no less than quarterly. Monitoring services shall be included in the student's Individualized Education Program and the student shall be counted as part of the special education teacher's caseload. Monitoring services shall be limited to no more than one year.

> When a special education teacher responsible for resource, composite, or self- contained services also provides regularly scheduled consultation or monitoring services, the maximum caseload permitted shall be no greater than 35 students.

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MICHIGAN - REGULATIONS FOR SP.ED.

> R 340.1743 Visually impaired programs.

> Rule 43.(1) Specific requirements for programs and services for the visually impaired are as follows:

> (a) Class size shall be determined by the severity and multiplicity of

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the impairments of the visually impaired students. A special class with 1 teacher shall have an enrollment of not more than the equivalent of 8 full-time students, and the teacher shall be responsible for the educational programming for not more than 10 different students.

> (b) The determination of caseload size for an individual teacher of the speech and language impaired shall be made by the teacher of the speech and language impaired in cooperation with the district director of special education, or his or her designee, and the building principal or principals of the school or schools in which the students are enrolled. Caseload size shall be based upon the severity and multiplicity of the handicaps and the extent of the service defined in the collective individualized education programs of the students to be served, allowing time for all of the following:

> (i) Diagnostics.
> (ii) Report writing.
> (iii) Consulting with parents and teachers.
> (iv) Individualized educational planning committee meetings.
> (v) Travel.

> (c) Individual teacher caseloads shall not exceed 60 different persons and shall be adjusted based on factors identified in subdivision (b) of this rule. Students being evaluated shall be counted as part of the caseload.

> (2) The teacher consultant shall carry an active caseload of not more than 25 handicapped students. All students served under this rule shall be counted as part of the caseload. In establishing the caseload, consideration shall be given to time for all of the following:

> (a) Instructional services.
> (b) Evaluation.
> (c) Consultation with special and regular education personnel.
> (d) Report writing.
> (e) Travel.

> (2) A secondary resource teacher shall serve not more than 10 students at any one time and have a caseload of not more than 20 different students

>

MISSOURI REGULATIONS FOR SP.ED.

> ITINERANT MODELS
>
> Traveling Itinerant Model:
>
> The traveling itinerant model includes two methods of service delivery:
>
> 1) services delivered in the home environment; and/or,
>
> 2) services delivered to students attending any of the following: preschools, child-care centers, and university laboratory schools. This includes Head Start centers and early childhood classrooms administered by public schools. It does not include child-care centers

or preschools that are governed by religious organizations.

> The model is characterized by the special education personnel providing instruction in the setting where the student is located rather than the student coming to a centralized location for services. The special education personnel provides direct instruction to the student with the intensity and duration as outlined on the student's IEP. The special education staff may consult with the primary care provider or classroom teacher on how that person can facilitate the student's development. This form of "adult to adult" or " teacher to teacher" communication can occur in several forms such as demonstration, modeling, or monitoring the student's educational program.

> Minimum instructional time*: 1 hour/week per student
> Caseload: 6-8 (12-16 for full-time equivalency)

> CLASSROOM MODELS

> This model provides the primary special education intervention in a classroom setting specifically designed to serve students with disabilities. Classroom programs provide group educational experiences to students of similar ages on a regularly scheduled basis. This may be accomplished in:

> 1) a noncategorical classroom that serves students with disabilities with a variety of needs and abilities;
> 2) a categorical classroom that serves students with visual and/or auditory impairments; or,
> 3) a reverse mainstreamed classroom that serves both students with disabilities and peers without disabilities . Students with disabilities would exhibit a diversity of developmental deficits. At least half or more of students in the RM classroom, however, are identified as disabled.

> Minimum Instructional Time*: 720 minutes (12 hours) of instruction/week provided over a minimum of three (3) days per week.

> Planning and Parent Contact Time: 180 minutes per week
> Caseload: 6-10 (12-20 for full-time equivalency) All classrooms must have one adult assigned to the classroom in addition to the certificated teacher. For caseloads of less than six (6), the paraprofessional is an LEA option. The second adult may be a professional or a paid paraprofessional.

NEBRASKA - REGULATIONS FOR SP.ED.

> 005.02A The caseload for both home-based and center-based programs shall range from 8-20 children per full time teaching staff member.

> 005.02A1 In a center-based program, the maximum number of children with disabilities below age five served together at any one time by one staff member shall be as follows:

> 005.02A1a Children birth to 18 months -- 4 children
>
> 005.02A1b Children 18 months to 3 years -- 6 children
>
> 005.02A1c Children 3 to 5 years -- 10 children
>
> 005.02A2 Home-based Programs
>
> 005.02A2a Children birth to 5 years -- 10 to 15 children
>
> 005.02A3 Early Childhood Settings Serving Children Who Are Not Disabled
>
> 005.02A3a In an early childhood setting serving primarily children without disabilities, the enrollment of children with disabilities shall be limited to 20 percent of the total program enrollment.
>
> 005.02A4 The total number of children birth to age five served per full time speech-language pathologist shall be consistent with the Level I and Level II school age caseloads as designated in 92 NAC 51-005.03A1j and 92 NAC 51-005.04A1k.

> 005.03 Level I Special Education Support Services
>
> 005.03A The total number of school age students served by Level I personnel per school year per full time professional staff member shall fall within the following ranges:
>
> 005.03A1 Level I Categorical Programs
>
> 005.03A1a Students with Autism -- 15-25
>
> 005.03A1b Students with Behavioral Disorders -- 25-35
>
> 005.03A1c Students with Hearing Impairments -- 15-25
>
> 005.03A1d Students with a Mental Handicap: Mild -- 25-35
>
> 005.03A1e Students requiring Occupational Therapy -- 30-50
>
> 005.03A1f Students with Orthopedic Impairments -- 30-50
>

> 005.03A1g Students with Other Health Impairments -- 30-50
>
> 005.03A1h Students requiring Physical Therapy -- 30-50
>
> 005.03A1i Students with Specific Learning Disabilities -- 25-35
>
> 005.03A1j Students with Speech-Language Impairments -- 40-60
>
> 005.03A1k Students with Traumatic Brain Injury -- 15-25
>
> 005.03A1l Students with Visual Impairments -- 15-25
>
> 005.03A2 Level I Multicategorical Programs -- 15-25 students with any combination of disabilities.
>
> 005.04 Level II Special Education Services
>
> 005.04A The total number of students served in Level II Classrooms per school year per full time professional staff member shall fall within the following ranges:
>
> 005.04A1 Level II Categorical Programs
>
> 005.04A1a Students with Autism -- 4-8
>
> 005.04A1b Students with Behavior Disorders -- 6-12
>
> 005.04A1c Students with Deaf-Blindness -- 4-8
>
> 005.04A1d Students with Hearing Impairments -- 6-12
>
> 005.04A1e Students with a Mental Handicap: Mild -- 12-20
>
> 005.04A1f Students with a Mental Handicap: Moderate -- 8-12
>
> 005.04A1g Students with a Mental Handicap: Severe/Profound -- 4-8
>
> 005.04A1h Students with Multiple Disabilities: -- 4-8
>
> 005.04A1i Students with Orthopedic Impairments -- 6-12
>
> 005.04A1j Students with Other Health Impairments -- 6-12
>

> 005.04A1k Students with Specific Learning Disabilities -- 12-20
>
> 005.04A1l Students with Speech-Language Impairments -- 12-20
> 005.04A1m Students with Traumatic Brain Injury -- 4-8
>
> 005.04A1n Students with Visual Impairments -- 6-12
>
> 005.04A2 Level II Multicategorical Programs -- 4-20 students with any combination of handicapping conditions.
>
> 005.04B Level I and Level II Combination Programs
>
> Programs which serve both Level I and Level II students may be operated. The caseload for such a combined program shall range from 15-25 students per school year per full time professional staff member. Students with disabilities receiving an aggregate of less than three hours of special education service per week shall be considered Level I students for purposes of reimbursement computation.
>

NEW HAMPSHIRE - REGULATIONS FOR SP.ED.

> Ed 1119. CLASS SIZE AND AGE RANGE
>
> Students in pre-school programs shall be grouped by developmental and achievement levels with an age and/or development range of not more than 3 years.
>
> The following shall apply to a self-contained special education class:
>
> A self-contained special education class shall be considered one in which students with educational disabilities spend more than 50% of their day in a single environment;
>
> Self-contained special education classes for students with educational disabilities shall not be approved when the enrollment exceeds 8 at the early childhood, elementary, junior and/or senior high school level except that the enrollment may be increased to no more than 12 if additional personnel are assigned to the program;
>
> Regardless of the specific teacher-student ratio, each program shall provide credentialed personnel and educationally related services according to the individualized education program of each student. This means that a teacher-student ratio of less than 1:8 or 1:12 shall be provided if the need presented by the severity of disabilities so

warrants;

> Students in self-contained special education classes on the elementary level shall have an age range of not more than 4 years; and

On the junior and senior high school levels, students in self-contained classes shall have an age range of not more than 4 years and an academic range of not more than 5 years.

> The following shall apply to resource rooms:

> Resource rooms shall serve for no more than 50% of the student's school day as an adjunct to assignment to regular educational programs for students with educational disabilities;

> Students with educational disabilities shall not receive all of their academic training in resource rooms;

> The total number of students with educational disabilities being served in the resource room at any given time shall not exceed 12 students without the assistance of support personnel. This shall not preclude the presence of some additional students working on independent projects; and

> It shall be the responsibility of the local education agency to ensure that the abilities of the resource room teacher match the needs of the students with educational disabilities and that the resource room teacher is capable of implementing the individualized education programs of all the students with educational disabilities assigned to the resource room.

NEW JERSEY - REGULATIONS FOR SP.ED.

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4. The age span in special class programs shall not exceed four years;

> 5. A special class program may not be approved as a kindergarten;

> 6. A special class program shall serve pupils who have the same classification. Class sizes shall not exceed the following:

> i. Auditorily handicapped - eight pupils;

> ii. Autistic-elementary-six pupils per classroom with a pupil to staff ratio of three to one (classroom aide required when the class size exceeds three);

> iii. Autistic-secondary-nine pupils per classroom with a pupil to staff ratio of three to one (two classroom aides required for a class size of nine pupils);

> iv. Chronically ill - 15 pupils;

> v. Communication handicapped - eight pupils;

> vi. Emotionally disturbed - eight pupils;

> vii. Mentally retarded, educable - 12 pupils;

> viii. Mentally retarded, trainable - 10 pupils;
> ix. Mentally retarded, eligible for day
> training - nine pupils (pupil to staff ratio of three to one);
> x. Multiply handicapped - eight pupils;
> xi. Neurologically impaired - eight pupils;
> xii. Orthopedically handicapped - 10 pupils;
> xiii. Perceptually impaired - 12 pupils;
> xiv. Preschool handicapped - eight pupils (classroom aide required);
> xv. Socially maladjusted - 12 pupils; and
> xvi. Visually handicapped - eight pupils; and
> 7. With the exception of classes for autistic pupils and eligible for day training pupils, the above maximum class sizes may be increased no more than one-third with the addition of a classroom aide or a second classroom aide where one is already required by obtaining prior written approval from the Department of Education through its county office. No exception according to N.J.A.C. 6:28-4.6 shall be granted regarding class size for pupils classified as eligible for day training.
>

> 3. In secondary special class programs where the organizational structure is departmentalized for general education pupils:
> i. Enrollment in secondary special class programs may be increased by one-half the maximum class size for pupils with the same classification as noted in (a)6 above;
> ii. For instructional purposes:
> (1) In all class groups comprised of pupils with a single classification, class sizes shall be according to (a)6 and 7 above; and
> (2) In all class groups comprised of pupils with mixed handicaps, the group shall be limited to eight pupils with educational disabilities;
> 4. In addition to the requirement of (b) 2 above, instruction may be provided in the following settings, as appropriate:
> i. A class consisting solely of pupils with educational disabilities instructed by a regular education teacher where an adapted general education curriculum is used.
> (1) In class groups comprised of pupils with a single classification, class sizes shall be according to (a) 6 and 7 above.
> (2) In class groups comprised of pupils with mixed handicaps, the group shall be limited to eight pupils with educational disabilities.
> ii. A regular education class instructed by a subject area teacher.
> (1) The number of pupils with educational disabilities enrolled on a special class register who can attend any given instructional period in such classes shall be limited to four if program modification is required; and
> 5. For class groups comprised of pupils with mixed handicaps, the maximum class size may be increased by no more than one-third with the addition of an aide.
> (c) Secondary resource center programs shall be in schools in which any combination of grades six through 12 are contained and where the organizational structure is departmentalized for general education pupils.
> (d) Vocational education programs shall meet the following criteria:
> 1. For the pupil placed in a vocational program outside of the local district, responsibility shall be as follows:
> i. In a full-time county vocational school, all responsibility for programs and services rests with the receiving district board of education;

> ii. In a shared-time county vocational school and in an area vocational technical school, primary responsibility rests with the sending district board of education. Vocational personnel shall participate in the individualized education program decisions; and

> 2. In vocational shop, and related academic programs class sizes shall be as follows:

> i. For a class consisting of pupils with educational disabilities, the maximum class size with an aide shall not exceed 15. Class size shall not exceed 10 without the addition of an aide unless prior written approval of the Department of Education through its county office is granted. Approval shall be considered according to procedures specified by the Department of Education. Requests for approval of a class size which exceeds 10 without an aide shall include, but not be limited to, a description of the following pupil needs and instructional considerations:

(1) Nature and degree of educationally disabling condition;

> (2) Interests, aptitudes and abilities of the pupil;
> (3) Functional level;
> (4) Employment potential;
> (5) Type of occupational area;
> (6) Instructional strategies;
> (7) Safety factors; and
> (8) Physical facility requirements.
>

> (a) Preschool handicap class types shall meet the following requirements:

> 1. This class type shall provide an environment in which the preschool pupil's school readiness needs are the primary focus.

> 2. The program shall emphasize:

> i. Developing/improving gross and fine motor readiness skills, such as hopping, cutting and coloring;

> ii. Developing/improving communication skills, such as articulation, receptive and expressive language;

> iii. Developing/improving school appropriate behaviors, such as attending and following directions;

> iv. Developing/improving self-help skills, such as dressing skills, feeding skills and toileting skills;

> v. Developing/improving social skills, such as interaction with peers in appropriate play behavior; and

> vi. Developing academic readiness skills, such as color recognition and letter recognition.

> 3. Instruction shall be provided by a certified teacher of the handicapped and nursery school.

> 4. Age span shall be three years.

> 5. Maximum class size shall be eight.

> 6. Staff/pupil ratio shall be 1:4.

> 7. Required related services shall include counseling and/or training services for parents.
>

> (b) Learning disabilities class types shall meet the following requirements:

> 1. This class type shall provide an environment in which the pupil's identified academic needs are the primary focus.

> 2. The program shall emphasize:

> i. Improving reading skills;

> ii. Improving language arts skills;

> iii. Improving mathematics skills;

> iv. Improving general organizational skills, study skills and strategies;

> v. Decreasing distractibility and activity level;
> vi. Improving social skills; and
> vii. Assisting pupils in coping with academic difficulties and failure.
> 3. Instruction shall be provided by a certified teacher of the handicapped.
> 4. Age span shall be four years for both elementary and secondary.
> 5. Maximum class size shall be 10 for both elementary and secondary.
> 6. Staff/pupil ratio shall be 1:10 for both elementary and secondary.
> 7. No required related services are required for this class type.
> (c) Communication handicap class types shall meet the following requirements:
> 1. This class type serves pupils free of significant hearing and acuity problems and shall provide an environment in which the pupil's identified communication needs are the primary focus.
> 2. The program shall emphasize:
> i. Improving the processing of receptive language, such as, following oral directions, responding appropriately to questions;
> ii. Improving the organization and production of expressive language;
> iii. Acquiring a vocabulary and linking words together appropriately; and
> iv. Improving voice, fluency and/or articulation.
> 3. Instruction shall be provided by a certified teacher of the handicapped.
> 4. Age span shall be four years for both elementary and secondary.
> 5. Maximum class size shall be eight for elementary and 10 for secondary.
> 6. Staff/pupil ratio shall be 1:8 for elementary and 1:10 for secondary.
> 7. Required related services shall include speech/language therapy.
> (d) Moderate cognitive handicap class types shall meet the following requirements:
> 1. This class type shall provide an environment in which the pupil's identified cognitive needs are the primary focus.
> 2. The program shall emphasize:
> i. Improving functional academic skills; ii. Improving functional life skills;
> iii. Improving functional vocational skills; and
> iv. Improving social skills.
> 3. Instruction shall be provided by a certified teacher of the handicapped.
> 4. Age span shall be four years for both elementary and secondary.
5. Maximum class size shall be 10 for both elementary and secondary.
> 6. Staff/pupil ratio shall be 1:10 for both elementary and secondary.
> 7. No required related services are required for this class type.
> (e) Moderate behavior handicap class types shall meet the following requirements:
> 1. This class type shall provide an environment in which the pupil's identified behavioral needs are the primary focus.

> 2. The program shall emphasize:
> i. Improving ability to build or maintain satisfactory relationships with others;
> ii. Decreasing behaviors which interfere with other pupils' social/emotional or academic growth;
> iii. Decreasing behaviors which present a danger to the pupil or others;
> iv. Increasing self-control;
> v. Increasing social skills for successful group participation; and
> vi. Improving pupils' sense of personal adequacy and independence.
> 3. Instruction shall be provided by a certified teacher of the handicapped.
> 4. Age span shall be four years for both elementary and secondary.
> 5. Maximum class size shall be 8 for both elementary and secondary.
> 6. Staff/pupil ratio shall be 1:8 for both elementary and secondary.
> 7. Required related services shall include:
> i. Counseling; and
> ii. Counseling and/or training services for parents.
> (f) Severe behavior handicap class types shall meet the following requirements:
> 1. This class type shall provide an environment in which the pupil's identified behavioral needs are the primary focus.
> 2. The program shall emphasize:
> i. Reducing atypical behavior patterns, such as, hand flapping, twirling, ritualistic movements;
> ii. Increasing responsiveness to people, such as, eye contact, smiling, touching;
> iii. Improving communication skills, such as, reducing inappropriate noises, laughter;
> iv. Decreasing bizarre responses to aspects of the environment, such as, inappropriate use of objects, object fixation, need for sameness; and
> v. Reducing severe acting out behavior which results in a danger to self or others, such as, head banging, biting, scratching.
> 3. Instruction shall be provided by a certified teacher of the handicapped.
> 4. Age span shall be two years for preschool and four years for elementary and secondary.
> 5. Maximum class size shall be six for preschool, eight for elementary and 12 for secondary.
> 6. Staff/pupil ratio shall be 1:2 for preschool, 1:4 for elementary and 1:6 for secondary.
> 7. Required related services shall include:
> i. Counseling and/or training services for parents; and
> ii. Speech-language services.
> (g) Severe physical handicap class types shall meet the following requirements:
> 1. This class type shall provide an environment in which the pupil's identified physical needs are the primary focus.
> 2. The program shall emphasize:
> i. Increasing functional/independent living skills, such as, dressing, cooking;
> ii. Increasing functional/independent ambulation, and using adaptive equipment and prosthetic devices where needed.
> 3. Instruction shall be provided by a certified teacher of

the handicapped.

> 4. Age span shall be two years for preschool and four years for elementary and secondary.

> 5. Maximum class size shall be six for preschool, eight for elementary and 10 for secondary.

> 6. Staff/pupil ratio shall be 1:3 for preschool, 1:4 for elementary and 1:5 for secondary.

> 7. Required related services shall include:

> i. Physical therapy; and

> ii. Occupational therapy.

> (h) Severe cognitive handicap type classes shall meet the following requirements:

> 1. This class type shall provide an environment in which the pupil's identified cognitive needs are the primary focus.

> 2. The program shall emphasize:

> i. Improving motor skills, such as, positioning, grasping, balance, rolling;

> ii. Improving ability to attend, such as, eye contact;

> iii. Improving ability to imitate verbally and nonverbally;

> iv. Improving ability to respond verbally and nonverbally, such as, smiling or vocalizing on request;

> v. Improving ability to recognize, such as, smiling at a familiar person; and

> vi. Improving feeding skills.

> 3. Instruction shall be provided by a certified teacher of the handicapped.

> 4. Age span shall be six years for all levels.

> 5. Maximum class size shall be nine for all levels.

> 6. Staff/pupil ratio shall be 1:3 for all levels.

> 7. Required related services shall include:

> i. Speech-language services;

> ii. Occupational therapy;

> iii. Physical therapy;

> iv. School nurse services; and

> v. Counseling and/or training services for parents.

> (i) Auditory handicap type classes shall meet the following requirements:

> 1. This class type shall provide an environment in which the pupil's identified auditory needs are the primary focus.

> 2. The program shall emphasize:

> i. Utilizing the visual modality as the primary channel for instruction;

> ii. Assisting in auditory habilitation;

> iii. Improving language skills;

> iv. Improving social skills to facilitate pupils' integration into the environment; and

> v. Insuring/facilitating participation of pupils in school-wide activities.

> 3. Instruction shall be provided by a certified teacher of the deaf/hard of hearing.

> 4. Age span shall be two years for preschool and four years for elementary and secondary.

> 5. Maximum class size shall be eight for preschool and elementary and 10 for secondary.

> 6. Staff/pupil ratio shall be 1:4 for preschool, 1:8 for elementary and 1:10 for secondary.

> 7. Required related services shall include:

> i. Auditory training; and

> ii. Speech-language services.

> (j) Auditory/visual handicap type classes shall meet the following requirements:
> 1. This class type shall provide an environment in which the pupil's combined auditory and visual needs are the primary focus.
> 2. The program shall emphasize:
> i. Developing optimal use of residual vision and hearing;
> ii. Developing effective and efficient communication skills;
> iii. Improving mobility and orientation skills;
> iv. Increasing skills in activities of daily living with emphasis on the development of optimal independence; and
> v. Improving social skills to facilitate integration into the community.
> 3. Instruction shall be provided by a certified teacher of the handicapped who is certified as one of the following:
> i. Teacher of the deaf/hard of hearing; or
> ii. Teacher of the blind/visually impaired.
> 4. Age span shall be two years for preschool and four years for elementary and secondary.
> 5. Maximum class size shall be six for all levels.
> 6. Staff/pupil ratio shall be 1:2 for preschool and 1:3 for elementary and secondary.
> 7. Required related services shall include:
> i. Auditory training;
> ii. Vision training;
> iii. Speech-language services;
> iv. Adapted physical education;
> v. Mobility and orientation training; and
> vi. Parent training.
> (k) Class type maximum class size for all types except severe behavior, severe physical and severe cognitive handicap may be increased by no more than one-third with the addition of a classroom aide by obtaining prior approval from the Department of Education through its county office.
> (l) Required related services are those which each program must provide for each pupil pursuant to (a) through (j) above. Pupils must also receive any other related service specified in their individualized education program.
> (m) Pupils enrolled in full-time class types may be instructed in regular classes in accordance with their individualized education program. The number of pupils with educational disabilities enrolled in a full-time class register who can attend any given instructional period in such classes shall be limited to four if program modification is required.
> (n) In secondary full-time class types, enrollment may be increased by one-half the maximum instructional group size allowed for that specific class type as noted in (c) above. For instructional purposes, no group shall contain more than the maximum number for that class type. Pupils may be of only one class type.
> (o) County vocational schools and approved local area vocational school districts providing full-time special education programs may operate special needs shop classes which are open to pupils from all full-time class types. Pupils shall be placed in special needs shops based upon vocational needs, skills and assessment. Group size shall not exceed 10 but may be increased to 15 with the addition of a classroom aide and the approval of the Department of Education through its county office. Teachers in these shops shall hold vocational certification.
>
>

> (2) For students with disabilities determined to need speech and language services, such services shall be provided for a minimum of two 30 minute sessions each week, and the total caseload of such students for teachers providing such services shall not exceed 65.

> (3) When a related service is provided to a number of students at the same time, the number of students in the group shall not exceed five students per teacher or specialist.

> (4) Special class size for students with disabilities. The maximum class size for those students whose special education needs consist primarily of the need for specialized instruction which can best be accomplished in a self-contained setting shall not exceed 15 students, or 12 students in a State-operated or State-supported school, except that:

>

> (i) The maximum class size for special classes containing students whose management needs interfere with the instructional process, to the extent that an additional adult is needed within the classroom to assist in the instruction of such students, shall not exceed 12 students, with at least one paraprofessional assigned to each class during periods of instruction.

>

> (ii) (a) The maximum class size for special classes containing students whose management needs are determined to be highly intensive, and requiring a high degree of individualized attention and intervention, shall not exceed six students, with at least one paraprofessional assigned to each class during periods of instruction.

(b) The maximum class size for special classes containing students whose management needs are determined to be intensive, and requiring a significant degree of individualized attention and intervention, shall not exceed eight students, with at least one paraprofessional assigned to each class during periods of instruction.

>

> (iii) The maximum class size for those students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment, shall not exceed 12 students. In addition to the teacher, the staff/student ratio shall be one staff person to three students. The additional staff may be teachers, paraprofessionals and/or related service providers.

>

> (5) The chronological age range within special classes of students with disabilities who are less than 16 years of age shall not exceed 36 months. The chronological age range within special

classes of students with disabilities who are 16 years of age and older is not limited. However, there shall be no chronological age-range limitations for groups of students placed in special classes as described in subparagraph (4)(iii) of this subdivision.

> (6) Upon application and documented educational justification to the commissioner, approval may be granted for variance from the special class sizes and chronological age ranges specified in paragraphs (4) and (5) of this subdivision, respectively.

> (b) the maximum class size shall not exceed 12 preschool students with at least one teacher and one paraprofessional assigned to each class; and

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NORTH CAROLINA - REGULATIONS - SP.ED.

> .1516 MAXIMUM CLASS SIZE: PUPIL-TEACHER RATIO

> Local educational agencies must assure that all levels of the continuum of programs and services as defined in section .1515 (E) are available, considered and utilized for all categories of children with special needs; in addition, the maximum class size in the settings below shall not be exceeded. Deviations may be made only with the prior written approval of the Division of Exceptional Children's Services upon request by a local educational agency. Local educational agencies are encouraged to lower the maximum class sizes, if needed, to meet the needs of their particular students.

> NOTE: Class size requirements and teacher-pupil ratios for pre-school handicapped children, are included in item B.

> .1516, .1517

> B. Preschool Handicapped

> (1) regular, resource or separate settings:
> Caseload requirements must be flexible enough to provide for appropriate services in direct accord with the children's
> diagnosed needs. Consideration should be given to types of severity of the children's problems; nature and level of services required by the children to allow them to progress at optimum learning rates in accomplishing specific objectives;
> and intellectual abilities and emotional behaviors of the children to be served. Settings that serve preschool handi-capped children should not exceed a ratio of 6 handicapped children to 1 adult (teacher and/or assistant). For more severely handicapped children, additional assistants may be needed and/or a lower adult-child ratio may be necessary to serve children more appropriately.

> (2) home-family program: caseload - up to 15 children, 1 teacher.

> (3) separate school facility: up to 5 children, 1 teacher; 6 to 8
> children, 1 teacher, 1 assistant; 9 to 12 children, 1 teacher, 2 assistants.

> History Note: Statutory Authority G. S. 115C-110;

> Eff. October 1, 1978; G. S. 115C-146.1 through 146.4; Eff. July 1, 1991.
> Amended Eff. July 11, 1991; December 7, 1989; September 28, 1981, September 30, 1980; July 15, 1979.
>

NORTH DAKOTA - REGULATIONS FOR SP.ED.

> 2.0 SIZE OF ENROLLMENT/CASELOAD CLASSES: A separate classroom for severely emotionally disturbed students shall enroll 3-10 students with an age range of not more than three years. Students with less severe emotional problems may be served by qualified personnel in a resource room or through consultation with the regular classroom teacher. Caseload number varies with need of students.

> 2.0 SIZE OF ENROLLMENT/CASELOAD: Approvable class size for elementary and junior high school class for educable mentally handicapped students is 6-12 students within a four year chronological age spread . Class size for high school educable mentally handicapped students is 6-15.

> 2.0 SIZE OF ENROLLMENT/CASELOAD: Approvable class size for programs for physically handicapped students will be determined by the equipment and materials needed for the student, the size of the classroom, and the amount of time each student spends in the regular classroom. Ordinarily, 6-12 students would be appropriate.
>
> 3.0 CASELOAD: Qualified support personnel will provide professional service to identified students with disabilities appropriate to their need.
>
> 3.1 Physical therapist--the caseload will be from 15-20 students weekly.
> Occupational therapist--15-20 students with disabilities weekly.
> Social worker--20-40 students with disabilities weekly.
> Audiologist--20-40 hearing impaired students weekly.
> School psychologist--approval of a full time school psychologist will be considered only for a total school population of 2,000 students.

WEST VIRGINIA - REGULATIONS - SP.ED.

> D. Caseloads
>
> 1. The maximum caseload for teachers providing special education services for students with behavior disorders, mental impairments, orthopedic impairments, and specific learning disabilities are as follows:
>
> a. Regular Education: Full-time
> Assign no more than 40 exceptional students (unduplicated) who are placed in Regular Education: Full-time to a teacher providing consultative services. A teacher providing consultative services may serve additional exceptional students (duplicated), but the maximum number served shall not exceed a total of 45 students.
>

> b. Regular Education: Part-time
> Assign no more than 30 students (unduplicated who are placed in Regular Education: Part-time to a teacher providing services. A teacher providing services can serve additional exceptional students (duplicated), but the maximum number served shall not exceed a total of 35 students.The caseload during any one instructional period for a teacher providing services shall not exceed eight (8) students at the early childhood education level (ECE) or ten (10) students at the middle childhood (MCE) and adolescent education (AE) levels.
>
> c. Special Education: Separate Class
> The caseloads for teachers providing instructional services to exceptional student who are served in regular education for 40% or less of the instructional day are specified in the program area sections in these regulations for each exceptionality.
>
> d. Caseloads for special education teachers assigned to provide a combination of consultative, supplementary and separate class services shall be determined on a percentage basis.
>
> e. When students from more than one programmatic level are served together in one instructional period, the maximum class size shall be that of the programmatic level of the youngest student(s) served.

> 2. The maximum caseloads for teachers providing special education services for students with autism, blind and partial sight, deafness-blindness, deafness and other hearing impairments, giftedness, other health impairments, preschool special needs, speech/language impairments, and traumatic brain injuries placed in Regular Education: Full-time or Regular Education: Part-time are as follows:

>
> a. Autism
>
> 1) Regular Education: Full-time - Assign no more than 20 students.
> 2) Regular Education: Part-time - Assign no more than ten (10) students with a limit of six (6) during any one instructional period.
> 3) Special Education: Separate Class - Assign no more than four (4) students with autism. An aide shall be assigned on the basis of student needs.
>
> b. Behavior Disorders
>
> 1) Special Education: Separate Class -
> (a) Assign no more than four (4) students without a full-time aide with a limit of four (4) during any one instructional period.
> (b) Assign no more than eight (8) students with a full-time aide with a limit of eight (8) during any one instructional period.
>
> c. Blind and Partially Sighted
>

1) Regular Education: Full-time - Assign no more than 30 students.

2) Regular Education: Part-time -Assign no more than 15 students with a limit of five (5) during any one instructional period.

3) Special Education: Separate Class

(a) Assign no more than five (5) students without a full-time aide with a limit of five (5) during any one instructional period.

(b) Assign no more than ten (10) students with a full-time aide with a limit of ten (10) during any one instructional period.

d. Deaf-Blind

1) Regular Education: Full-time - Assign no more than 20 students.

2) Regular Education: Part-time - Assign no more than ten (10) students with a limit of five (5) during any one instructional period.

e. Deaf and Hard of Hearing

1) Regular Education: Full-time - Assign no more than 30 students.

2) Regular Education: Part-time - Assign no more than 15 students with a limit of five (5) during any one instructional period.

3) Special Education: Special Class

(a) Assign no more than five (5) students without a full-time aide with a limit of five (5) during any one instructional period.

(b) Assign no more than ten (10) students with a full-time aide with a limit of ten (10) during any one instructional period.

f. Gifted

1) Regular Education: Full-time - Assign no more than 45 students.

2) Regular Education: Part-time

(a) Assign no more than 40 students.

(b) Assign no more than 15 students during any one instructional period.

3) Special Education: Separate Class - Assign no more than 15 students with a limit of 15 during any one instructional period.

g. Mentally Impaired

1) Special Education: Separate Class

(a) Assign no more than eight (8) mildly mentally impaired students without a full-time aide with a limit of eight (8) during any one instructional period.

(b) Assign no more than 12 mildly mentally impaired students with a full-time aide with a limit of 12 during any one instructional period.

> (c) Assign no more than five (5) moderately mentally impaired students without a full-time aide with a limit of five (5) during any one instructional period.
> (d) Assign no more than 12 moderately mentally impaired students with a full-time aide with a limit of 12 during any one instructional period.
> (e) Assign no more than six (6) mildly or moderately mentally impaired students to a combination program without a full-time aide with a limit of six (6) during any one instructional period.
> (f) Assign no more than eight (8) moderately or severely mentally impaired students to a combination program with a full-time aide with a limit of eight (8) during any one instructional period.
> (g) Assign no more than six (6) severely mentally impaired students with a full-time aide with a limit of six (6) during any one instructional period.
> (h) Assign no more than nine (9) severely mentally impaired students with two full-time aides with a limit of nine (9) during any one instructional period.
> (I) Assign no more than six (6) profoundly mentally impaired students with a full-time aide with a limit of six (6) during any one instructional period.
> (j) Assign no more than nine (9) profoundly mentally impaired students with two full-time aides with a limit of nine (9) during any one instructional period.
> 2) Instructional Assistance - In a severely or profoundly mentally impaired separate class of three (3) or less students, an aide shall be assigned on the basis of student needs.
> 3) Combination Program - A combination program for students with different levels of severity (e.g. severe-profound, moderate-severe) may be used. Academic, self-care, affective, communication and sensorimotor needs of these students must be similar.
>
> h. Orthopedically Impaired
>
> (1) Special Education: Separate Class
> (a) Assign no more than ten (10) students with a full-time aide with limit of ten (10) during any one instructional period.
> (b) In a separate class of three (3) or less students with orthopedic impairments, an aide shall be assigned on the basis of student needs.
>
> I. Other Health Impaired
>
> Students identified as other health impaired shall be assigned to and served by personnel who have the training

necessary to implement the student s IEP.

j. Preschool Special Needs

1) Time Allocations - Special education and related services for eligible preschool special needs children shall be provided on a regular basis as follows:

(a) Family Consultation - a minimum of one hour per week which includes direct instruction with the child and family and/or consultative services with the family.

(b) Center -Based Programs (REFT, REPT, Separate Class) - a minimum of twelve (12) hours per week as follows:

(1) Regular Education: Full-time - Regular instruction in community based and/or regular education program(s) occurs with consultation/implementation of modifications to the regular program provided by special education personnel in accordance with the child s IEP.

(2) Regular Education: Part-time - Regular instruction in community based and/or regular education program(s) occurs 40% or more of the child s total instructional time with supplemental services provided by special education personnel in accordance with the child s.

(3) Special Education Program: Separate Class - Special education and related services are provided by special education personnel in accordance with the child s IEP for 60% or more of the child s total instructional time.

(c) Combination Center-Based/Family Consultation Program - a minimum of twelve (12) hours per week separate class instruction with time allocations for family consultation services as determined by the IEP Committee.

2) Caseloads

(a) Family Consultation - Assign no more than 15 children.

(b) Center-Based Programs

(1) Regular Education: Full-time - Assign no more than 20 children.

(2) Regular Education: Part-time - Assign no more than 15 children.

(3) Special Education Program: Separate Class -

- Assign no more than eight (8) eligible children per session with an aide for a maximum caseload of sixteen (16).

-Assign no more than ten (10) eligible children per session with two (2) aides

for a maximum caseload of twenty (20).

Combination Center-Based/Family Consultation Program

(1) Assign no more than eight (8) children per session with an aide for a maximum caseload of sixteen (16).

(2) Assign no more than ten (10) children per session with two (2) aides for a maximum caseload of twenty (20).

k. Specific Learning Disabilities

1) Special Education: Separate Class

(a) Assign no more than eight (8) students without a full-time aide with a limit of eight (8) during any one instructional period.

(b) Assign no more than 12 students with a full-time aide with a limit of 12 during any one instructional period.

l. Speech/Language Impairments

1) Regular Education: Full-time - Assign no more than 50 students without an aide.

2) Regular Education: Part-time -

(a) Assign no more than 50 students for those receiving services less than five hours per week with a limit of five (5) during a session.

(b) The caseload during any one instructional period for a therapist providing supplementary services shall not exceed eight (8) students at early childhood education level (ECE) or ten (10) students at the middle childhood (MCE) and adolescent education (AE) levels.

3) Special Education: Separate Class

(a) Assign no more than ten (10) students without an aide with a limit of ten (10) during any one instructional period.

(b) Assign no more than 12 students with a full-time aide with a limit of 12 during any one instructional period.

(Special Education: Separate Class is a program delivery option for severely or multiply communicatively impaired students and those who exhibit normal potential in performance areas but severe language deficits. Application shall be made to the State Department of Education for approval of individual programs.)

m. Traumatic Brain Injuries

Students identified as having traumatic brain injuries shall be assigned to and served by personnel who have the training necessary to implement the students IEPs.

290-080-090-.18 Caseload. All caseloads except multiple disabilities, mentally retarded (IQ of below thirty (30) and concurrent deficits in adaptive behavior) and autism can be increased by twenty-five (25) percent with the addition of one full-time paraprofessional. The following numbers are to be utilized when determining appropriate caseloads for teachers who provide special education services to exceptional students ages 6-21.

* Maximum number of students at any one time.
** Total number of students.

Exceptionality	Elementary		Middle		High	
	1 - 6		7 - 8		9 - 12	
	*	**	*	**	*	**
Deaf-Blind	5	10	5	10	5	10
Hearing Impaired	10	15	10	15	10	15
Visually Impaired	10	15	10	15	10	15
Mentally Retarded - IQ 30 - 70 and concurrent deficits in adaptive behavior	12	20	12	20	12	20
Specific Learning Disabilities	10	20	10	20	10	30
Speech\Language Impaired	6	50	6	50	6	50
Other Health Impaired	12	20	12	20	12	20
Orthopedically Impaired	12	20	12	20	12	20
Gifted	15	60	15	60	15	60
Emotional Conflict	8	20	8	20	8	20

Multiple Disabilities Mentally Retarded - IQ below 30 and concurrent deficits in adaptive behavior	All special education teachers assigned to this exceptionality may serve no more than four (4) total students. This teacher, with one paraprofessional, may serve eight (8) total students, up to a maximum of two (2) paraprofessionals serving twelve (12) total students.
Autism	All special education teachers assigned to this exceptionality may serve no more than four (4) total students. This teacher, with one paraprofessional, may serve five (5) total students, up to a maximum of two (2) paraprofessionals serving seven (7) total students. Students being served in other special education classes will be counted as part of the caseload in those special education classes.
Traumatic Brain Injury (TBI)	Students who are eligible in the area of TBI will be counted as part of the caseload(s) in the special education clas(es) where the student is being served.

personnel providing the various services shall coordinate activities and efforts, and the services shall be described in one IEP or IFSP.

281—41.83(256B,34CFR300) Continuum of services. Each LEA, in conjunction with the AEA, shall ensure that a continuum of services from birth to the maximum age provided by the Iowa Code are available or shall be made available to meet the educational needs of eligible individuals.

281—41.84(256B,273,34CFR300) Instructional services. Instructional services are the specially designed instruction and accommodations provided by special education instructional personnel to eligible individuals. These services are ordinarily provided by the LEA, but in limited circumstances, may be provided by another LEA, the AEA or another recognized agency through contractual agreement. An agency may choose to use the program models and related requirements described in subrule 41.84(1) for delivering instructional services, or the development process described in subrule 41.84(2) for creating a delivery system of instructional services.

41.84(1) *Program models.* An agency may elect to use the following program models and delivery methods in providing instructional services to eligible individuals.

a. The following program models are for school-aged individuals.

(1) "*Resource teaching program*" is an educational program for individuals who are enrolled in the general education curriculum for a majority of the school day but who require specially designed instruction in specific skill areas on a part-time basis. Individuals enrolled in this type of program require specially designed instruction for a minimal average of 30 minutes per day. This program shall include provisions for ongoing consultation and demonstration with the general education teachers of the individuals served. This program may be operated on a multicategorical basis. The teacher of a resource teaching program shall serve in no more than two attendance centers. The maximum class size for this program is 18 students at both the elementary and secondary levels with the exception of programs for individuals with hearing impairment or visual impairment which shall be 15 students at both levels. (Reference Iowa Code section 256B.9(1)"*b*")

(2) "*Special class with integration*" is an educational program for individuals who have similar educational needs and who can benefit from participation in the general education curriculum in one or more academic offerings of the general education curriculum. The program shall include provisions for ongoing consultation and demonstration with the general education teachers. This program may be operated on a multicategorical basis. For approval to be granted, the following conditions shall be considered: support services provided to the program including appropriately authorized consultant services; the need for and availability of paraprofessionals to assist the teacher; the individuals served have comparable educational needs; the chronological age range does not exceed four years; and the program curriculum consists of appropriate content for the disabilities served. The maximum class size for this program is 12 students at the elementary level and 15 students at the secondary level with the exception of programs for individuals with hearing impairment or visual impairment which shall be 10 students at both levels. (Reference Iowa Code section 256B.9(1)"*b*")

(3) "*Self-contained special class with little integration*" is an educational program for individuals with similar educational needs who require specially designed instruction for most of their educational program but who can benefit from limited participation in the general education curriculum with nondisabled individuals. The maximum class size for this program is 8 students at the elementary level and 10 students at the secondary level. The maximum class size of this program at the secondary level may be 15 students if an AEA work experience coordinator coordinates and supervises on- and off-campus work experiences for those individuals requiring specially designed career exploration and vocational preparation. (Reference Iowa Code section 256B.9(1)"*c*")

(4) "*Self-contained special class*" is an educational program for individuals with severe disabilities who have similar educational needs and whose total instructional program must be specially designed and provided by a special education teacher. The students served by this program shall be provided

opportunities to participate in activities with nondisabled individuals. The staff-to-student ratio for this program shall be one teacher and one educational aide for each five students. When students numbering six through nine are added, an additional educational aide must be employed. When the tenth student is added, another special education teacher must be employed. The chronological age range of students served in this program shall not exceed six years. (Reference Iowa Code section 256B.9(1)"*d*")

b. The following delivery models are for ECSE.

(1) Special education instructional services can be provided in a "*community-based early childhood program*" for young children. Instructional services are provided and monitored on site by an early childhood special education professional. The program may be a publicly funded or a fee-based early childhood community-based program. The agency responsible for providing special education may contract with a fee-based community program.

(2) "*Colocation*" refers to the provision of special education instructional services through an arrangement that combines the services of ECSE and publicly funded or fee-based early childhood program. The programs are combined in one room or in close proximity to each other in order to promote the interaction of children with and without disabilities.

(3) "*Reverse integration program*" refers to an arrangement that enrolls children without disabilities in an ECSE classroom. The reverse integration program is considered one of the more restrictive integration models.

(4) "*Early childhood special education center-based programs*" are for children below the age of six. These programs are served by one ECSE teacher and one instructional assistant, and may be operated on a multicategorical basis. The programs serve up to eight children unless the program is for individuals with severe disabilities in which case the maximum class size is five children.

(5) "*Home instruction*" refers to the provision of special education instructional services in the home for children below the age of six.

(6) "*Dual programming*" includes both center-based ECSE intervention and an integrated component; for example, a child may attend both an ECSE program and a program for preschool children without disabilities. Intervention specific to the IEP or IFSP goals must occur in both the special and general education environments.

c. In applying the maximum class sizes specified in this subrule, the following conditions shall be considered:

(1) Maximum class size limits are predicated upon one teacher to the specified class size. When a teacher is employed less than full-time for a resource teaching program or ECSE center-based program, the maximum class size shall be proportionate to the full-time equivalency of the teacher employed.

(2) If, in unique circumstances, it is necessary to exceed the class size maximum for a special class with integration, the chronological age range shall not exceed six years or four years for a class operated on a multicategorical basis.

(3) When circumstances necessitate placing an eligible individual in a less restrictive program for receipt of the recommended program, that individual shall count as two individuals in computing the class size.

41.84(2) *LEA-developed delivery system.* An agency may elect to use the following development process for creating a system for delivering instructional services.

a. The delivery system shall meet the continuum of services requirements of rules 41.38(256B,34CFR300) and 41.83 (256B,34CFR300) and shall provide for the following:

(1) The provision of accommodations and modifications to the general education environment and program, including modification and adaptation of curriculum, instructional techniques and strategies, and instructional materials.

(2) The provision of specially designed instruction and related activities through cooperative efforts of special education teachers and general education teachers in the general education classroom.

(3) The provision of specially designed instruction on a limited basis by a special education teacher in the general classroom or in an environment other than the general classroom, including consultation with general education teachers.

(4) The provision of specially designed instruction to eligible individuals with similar special education instructional needs organized according to the type of

91-12-51. Early childhood special education programs.

(a) Approvable service delivery models for early childhood special education programs shall include:

(1) an integrated special classroom serving both disabled and nondisabled children. Children with disabilities shall constitute no more than two-thirds of the class enrollment;

(2) community-based early childhood programs which include special education and related services provided by the local education agency; or

(3) home-based and center-based models combined, in any proportion, to comprise a full program.

(b) Least restrictive environment.

(1) The least restrictive environment requirements of KAR 91-12-35 shall apply to children with disabilities under age five.

(2) If a local education agency does not operate early childhood education programs for nondisabled children under age five, regular education for purposes of least restrictive environment for early childhood special education shall include settings where the child would be found if not disabled. The settings shall include, but not be limited to, home, child care, head start, and public and private early childhood education programs.

(c) Class size and caseload limitations for early childhood special education programs shall be as prescribed in Table II. No class size or caseload shall exceed the program's ability to implement the individualized education programs of the children enrolled.

TABLE II
Class Size and Caseload for Programs for
Early Childhood Special Education

CENTER-BASED PROGRAM

Professional	Paraprofessionals	Maximum Class Size	Maximum Caseload Disabled
Integrated Classroom			
1 ECSE	1	12 (5 disabled)	10
1 ECSE	2	12 (8 disabled)	16
1 ECSE & 1 SE Team *	2	18 (12 disabled)	24
Special Classroom			
1 ECSE	0	4	8
1 ECSE	1	8	16
1 ECSE & 1 SE Team *	1	12	24

HOME-BASED PROGRAM

Special Teacher	Paraprofessional	Maximum Caseload
1	0	16
1	1	20
1	2	24
1	3	28

* An Early Childhood Special Education (ECSE) and Special Education (SE) team is a team of at least two professionals who are in a classroom full time and are jointly responsible for implementing special education for the children in that classroom. Appropriate professionals include those with special education endorsements, including early childhood special education or special education categorical endorsements, and other special education professionals, including speech/language clinicians, occupational therapists, and physical therapists. *(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended, T-88-40, October 27, 1987; amended May 1, 1988; amended July 1, 1990, amended September 2, 1991; amended June 1, 1993; amended March 13, 1995.)*

TABLE IV
Class Size and Caseload for Speech and Language Programs

	Consulting Teacher	Itinerant Teacher	Resource Room	Special Room
GROUP SIZE	Individual or Group (through indirect service.)	Individual or small group. 3 students per session.	Individual or small group. 5 students per session.	10 students per speech or language clinician. 15 students per speech or language clinician with a paraprofessional.
TIME PER WEEK	as needed	2 to 5 times per week.	4 to 5 times per week.	Full-time placement.
CASELOAD MAXIMUMS	No limit	25-55 students.	15-25 students.	15 students with paraprofessional.

(2) The maximum class size for programs for children with hearing impairments shall be as prescribed in table V.

TABLE V

Class Size and Caseload for Programs for Hearing Impaired

Program Level	Administrative Plan	Number of Students
All levels	Consultative	As appropriate.
All levels	Itinerant	15
All levels	Resource room	As appropriate.
Preschool	Home-based	20
Preschool or Primary	Special class	4 Increase to 6 with one or more paraprofessionals
Intermediate or Secondary	Special class	8 Increase to 11 with one or more paraprofessionals

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-88-8, March 4, 1987; amended May 1, 1988; amended July 1, 1990; amended June 1, 1993.)

91-12-54. Mental retardation.

(a) Screening and identification. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include in its procedures for identifying exceptional children, an assessment of the level of intellectual functioning and adaptive behavior. The adaptive behavior shall be assessed in more than one environment. This assessment shall be for the purpose of identifying children with mental retardation.

(b) Class size and caseload limitations for students with mental retardation shall be as prescribed in Table X.

TABLE X

Class Size and Caseload Limitation
for Programs for Children with Mental Retardation

Program Level	Administrative Plan	Maximum Class Size and Caseload
Primary	All programs	8 to 12 Increased by 3 with one or more paraprofessionals
Intermediate		10 to 15 Increased by 3 with one or more paraprofessionals
Secondary		12 to 15 Increased by 3 with one or more paraprofessionals

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-88-8, March 4, 1987; amended May 1, 1988; amended July 1, 1990; amended June 1,1993; amended March 13, 1995.)

91-12-55. Behavior disorders.

(a) Comprehensive evaluation. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include in its procedures for identifying children with behavior disorders:

(1) Specialized procedures which include a behavior rating scale and that are designed to identify children with behavior disorders. Such procedures may include student and parent interviews, a family history, personality rating scales and inventories, and projective tests;

(2) an observation of educational performance in the regular classroom. The observation shall be conducted by at least one evaluation team member, other than the regular classroom teacher. In the case of a preschool age or a child who is out-of-school, the observation shall be made in an age-appropriate environment. Observations concerning the child's behavior and learning shall be recorded. The individual responsible for the observation shall be trained to use observation as a diagnostic procedure; and

(3) procedures for determining the need for a mental health consultation. If a need for consultation is indicated, such consultation shall be provided at public expense.

(b) In addition to meeting the requirements of K.A.R. 91-12-23, children hospitalized for the treatment of behavior disorders shall receive instruction for the duration of their confinement. Homebound instruction shall be used only as a temporary measure while the local education agency arranges for an appropriate educational placement. Children with behavior disorders shall not receive instruction solely in their home for more than two months. Applications for part-time homebound or hospital instruction for children with behavior disorders shall state the reason or reasons the services are needed and shall be signed by a psychiatrist, certified school psychologist, or certified clinical psychologist. Each local education agency shall include a statement indicating plans for meeting the educational needs of the child after the homebound or hospital instruction has been terminated.

(c) Class size and caseload limitations for behavior disorders programs shall be as prescribed in Table VI.

TABLE VI

Class Size and Caseload for Programs for Behavior Disorders

Program Level	Administrative Plan	Maximum Class Size and Caseload
All Levels	Consulting Teacher	No more than 1/4 time to be spent with students.
	Itinerant teacher	15 - Increase to 18 with one or more paraprofessionals.
	Resource room	12 - No more than 8 at any one time. Increase to 16 with one or more paraprofessionals.
	Special Classroom	8 - Increase to 10 with a paraprofessional.
	Special purpose schools (departmentalized by curricular content area)	No more than 8 at any time in one classroom; increase to 9 with a full-time paraprofessional. No more than 35 students assigned to one teacher; increase to 45 with a full-time paraprofessional.

91-12-56. Physical or other health impairment.

(a) If screening procedures indicate a physical or health impairment, the local education agency shall include the following as part of the comprehensive evaluation:
  (1) evaluations by therapists, nurses, physicians, and other qualified health providers to determine conclusively whether a physical or health impairment exists; and
  (2) a comprehensive evaluation to determine the extent to which the physical or other health impairment restricts or prevents meaningful and productive participation in general or special education environments.

(b) Identification of autistic children.
  (1) In addition to the requirements of K.A.R. 91-12-40, the following criteria shall be met if a child is to be identified as autistic:
    (A) onset of autistic characteristics before 30 months of age;
    (B) chronic impairments in ability to learn, communicate, and interact with others in the environment that adversely affects a child's educational performance;
    (C) deficits in speech and language development significantly affecting verbal and nonverbal communication and social interaction;
    (D) absence of serious emotional disturbance as the primarly disability; and
    (E) engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, or unusual responses to sensory experiences.
  (2) Any local education agency may identify a child as autistic even though the child currently is not exhibiting all the characteristics of autism, if the child once exhibited all the characteristics of autism, and currently is unable to benefit from education without special education and related services.

(c) The type of special education services provided to physically and other health impaired children shall be determined by each particular child's educational needs.

(d) Class size and caseload limitations.
  (1) Class size and caseload limitations for physically and other health impaired children shall be determined upon the basis of the delivery model used, the extent of services needed and the distances that must be traveled to provide services.
  (2) If any local education agency establishes a separate classroom for autistic children, the class size ratio shall be as prescribed in Table VII.

TABLE VII
Class Size for Special Classes for Autistic Students

Number of Students	Teacher	Paraprofessionals
1	1	1 0
2-3	1	1 1
4-6	1	1 2

(e) Teachers assigned to autistic classrooms shall be approved on the basis of a special education endorsement most appropriate to the childrens' functional and chronological age levels. *(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended July 1, 1990; amended March 13, 1995.)*

91-12-57. Severely multiply handicapped and deaf-blind.

(a) Children shall not be placed in an educational program for severely multiply handicapped on the basis of their one, most severe, disability, but on their unique learning characteristics and instructional needs.

(b) In addition to the requirements of K.A.R. 91-12-40, additional specialized assessments shall be sought to assist in the educational program planning as necessary. Such assessments may include tests by medical personnel, physical or occupational therapists, or ophthalmologists. A multi-disciplinary team shall conduct a systematic, in-depth appraisal of each child to assure that one dominant impairment does not prevent the identification and assessment of other disabilities. Such dominant impairments may include cerebral palsy, deafness, or blindness.

(c) Class size limitations shall be as prescribed in Table VIII.

(d) This regulation shall take effect July 1, 1990.

TABLE VIII
Class Size and Caseload for Programs for Severely Multiply Handicapped and Deaf-Blind

Program Level	Administrative Plan	Maximum Class Size and Caseload
All Levels	Special Classroom	2 - With one or more paraprofessionals to a maximum of 4 students
		5 - With two or more paraprofessionals to a maximum of 8 students

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended July 1, 1990.)

91-12-58. Specific learning disabilities.

(a) Identification. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include the following in its procedures for identifying learning disabled children:

(1) Each child's regular teacher or a regular teacher qualified to teach a child of that age shall be included on the evaluation team.

(2) Any child whose intellectual functioning is more than two standard deviations below the mean of the standardized, individual test of intellectual functioning administered to the child shall not be identified as learning disabled. A total or full-scale score shall be used in applying the intellectual criterion. If the measured intellectual functioning of a child does not meet this criterion, but the results of the test are suspect and the child's level of intellectual functioning is believed to be within the stated criterion, the individual responsible for assessing intellectual functioning shall state in writing the specific data which support that supposition.

(3) At least one evaluation team member, other than the child's regular teacher, shall observe the child's academic performance in the regular classroom setting. In the case of a preschool age or out-of-school child, the observation shall be made in an age-appropriate environment. Observations concerning the child's behavior and learning shall be recorded. The individual responsible for the observation shall be trained to use observation as a diagnostic procedure.

(b) Class size and caseload limitations shall be as prescribed in Table IX.
(c) This regulation shall take effect on July 1, 1987.

TABLE IX
Class Size and Caseload for Programs for Learning Disabled

Program Level	Administrative Plan	Maximum Class Size and Caseload
All Levels	Consulting Teacher	No more than 1/3 time to be spent with students.
	Itinerant Teacher Shall not be assigned to more than 5 attendance centers	18 Increase to 24 with one or more paraprofessionals
	Resource Room	18 No more than 10 at one time. Increase to 22 with one or more paraprofessionals.
	Special Classroom	10 Increase to 14 with one or more paraprofessionals

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-23, October 1, 1986; amended May 1, 1987; amended, T-88-8, March 4, 1987; amended May 1, 1988; amended July 1, 1990.)

91-12-59. Visually impaired.

(a) Screening and identification. In addition to the requirements of K.A.R. 91-12-40, when visual impairment is the suspected disability, the child's parent shall provide any recommended treatment or correction or both resulting from an eye examination by an eye specialist prior to the comprehensive evaluation.

(b) Class size or caseloads. The class size or caseload of each teacher of the visually handicapped children shall be established from the individualized education programs of the identified students served by that teacher.

(c) Mandatory state reporting. All legally blind children age birth to 21 years shall be reported, as soon as identified, to the superintendent of the state school for the blind. *(Authorized by and implementing K.S.A. 72-963, effective May 1, 1983; amended July 1, 1990; amended June 1, 1993.)*

91-12-60. Related services.

(a) Categorical special education reimbursement may be authorized for art therapy, audiology, counseling services, dance movement therapy, medical services for diagnostic or evaluation purposes, music therapy, occupational therapy, parent counseling and training, physical therapy, school psychological services, recreation, school health services, school social work services, special education administration and supervision, special music education, speech or language services, and transportation by the Kansas state department of education. Requests for reimbursement for any other related service shall be submitted to the special education administration section. Requests shall be approved or disapproved on an individual basis.

(b) Local education agencies shall not be responsible for the delivery of medical

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VI. APPROVABLE CLASS SIZE AND CASELOADS

The standards reflect approvable class size and caseloads at any given time during the school year. Variations may be considered upon request to the Director of the Section of Special Education Grants & Applications, Department of Elementary and Secondary Education. Justification for approved variations may include, but not be limited to, consideration of the availability of certified personnel, the incidence of eligible students, their specified IEP requirements, and the availability of alternative resources for service. The Director of the Section of Special Education Grants & Applications may require the assignment of a paraprofessional to a particular class as a condition of approval for a caseload exception.

1.	Early Childhood Special Education--Full Time Equivalent Position	Itinerant Teacher 12-16	Resource Room 25	Center Based Classroom 12-20

2.	Low-incident Classes	Self-Contained Classroom
	Multiple Disabilities; Deaf/Blind; Autistic	4-6
	Physically & Other Health Impaired	5-8
	Visually Impaired; Hearing Impaired	5-8

3.	Speech/Language Disorders	Itinerant Teacher 40-60

NOTE: The district may choose to use the Caseload Formula described in item 4 below instead of the caseload range given here to qualify an Itinerant Speech/Language caseload for approval for an allocation of Exceptional Pupil Aid.

If an Itinerant Speech/Language caseload includes students identified as Language Disordered, it is recommended that the Caseload Formula be used in determining an appropriate caseload to help insure sufficient time for IEP implementation.

4. All Other Special Education Classes (see DEFINITIONS AND ELIGIBILITY CRITERIA--Section IV) and Service Delivery Models (see SERVICE ALTERNATIVES--Section VII)

The number of students to be assigned to a class is determined by use of a formula which combines the number of IEPs for which a teacher is responsible with the aggregate number of equivalent student contact hours

accruing to the teacher during the day. The sum equals a Caseload Number which may not exceed 60. The formula is as follows:

#IEPs + CONTACT# <= CASELOAD#

#IEPs equals the number of IEPs the teacher is responsible for on a case manager basis;
CONTACT# equals the aggregated number of equivalent student contact hours for the teacher during the day; and,
CASELOAD# equals the limit for service which may be provided by a particular program or class.

DEFINITIONS

CASELOAD# is a derived number for the formula and is defined as 60.

CONTACT# is the equivalent of the total number of student contact hours which accrue to the teacher during a normal school day. It includes all students served by the teacher, regardless of which teacher serves as the case manager. The CONTACT# is a computed value, determined by dividing the total student minutes per week (symbolized as STU.MINWK) by the number of minutes per day the teacher has available for direct contact instruction, (symbolized as TEA.MINDAY). Therefore:

CONTACT# = STU.MINWK / TEA.MINDAY

STU.MINWK is determined by aggregating the number of minutes per week the students are assigned to the special education teacher, as stated on the student's IEP, without regard for which teacher serves as the Case Manager. STU.MINWK must also include student 'walk-in' time where the district's policy allows for such activity.

TEA.MINDAY is the number of minutes per day the teacher is available for instruction in the special education class and is determined by dividing by five (5) the teacher's minutes of instruction per week as reported for special education assignments on the district's Core Data report.

An ALTERNATIVE method of determining TEA.MINDAY is to subtract the total number of minutes for planning time, supplemental duties and assignments, and non special education teaching assignments from the total number of minutes in the district's normal instructional day.

#IEPs is the number of IEPs the teacher is responsible for, on a case manager basis, and is the number traditionally reported as the teacher's caseload under the current State Board Caseload Standards.

HOW TO USE THE FORMULA

The following examples will illustrate the use of the formula:

Example #	STU.MINWK	TEA.MINDAY	CONTACT#	#IEPs	CASELOAD#
1.	8,558	315	27	19	46
2.	10,813	315	34	24	58
3.	13,693	310	44	14	58

In example #1 the teacher serves 19 students and is available for direct instruction 315 minutes per day. The 19 students aggregate, from the IEPs, a total of 8,558 minutes per week with this teacher. The low total minutes would indicate that, on average, these students have mild disabilities and do not require extensive special education service. Dividing the 8,558 STU.MINWK by 315 TEA.MINDAY yields a quotient of 27 for the CONTACT#. Using the formula CONTACT# + #IEPs <= CASELOAD#, add 27 + 19 to equal 46, a value which is less than the CASELOAD standard of 60. Not only is this class within caseload standards, additional students could probably be added to this teacher's caseload.

Example #2 illustrates the case wherein an additional 5 students, with a total of 2,255 minutes assigned to special education, are added to the caseload in example #1. The STU.MINWK now total 10,813 (8,558 + 2,255) which, when divided by the TEA.MINDAY of 315 gives a CONTACT# of 34. The teacher is now responsible for 24 IEPs (19 + 5). Adding the CONTACT# to the #IEPs yields a total of 34 + 24 = 58, which is within the standard.

Example #3 also yields a CASELOAD# of 58 with a teacher serving 14 students. The needs of the students, as measured by the aggregate number of minutes from the IEPs, are more intense and thus the teacher is assigned fewer students. The STU.MINWK of 13,693 divided by the TEA.MINDAY of 310 yields a CONTACT# of 44. The CONTACT# of 44 added to the #IEPS of 14 results in a CASELOAD# of 58.

If district policy allows students to "drop-in" to the special education classroom on an unscheduled but occasional basis, such as to read a test, then the amount of contact time due to these activities should be estimated and added to the aggregate total of the student minutes per week. If policy allows for walk-in or drop-in of students on a regular basis, then the amount of contact time must be estimated and added to the STU.MINWK total in order to prevent inflation of the CASELOAD#.

IMPLEMENTATION

The CASELOAD# of 60 is a LIMIT, not a GOAL. Depending upon the instructional needs of the students, districts will need to designate the appropriate CASELOAD# to be targeted for different situations. For example, elementary classes will generally have a smaller CASELOAD# than secondary classes, due to the greater individual student management needs presented by younger students. However, any class with students who exhibit behaviors requiring more individualized attention may result in

lower CASELOAD#s while classes with students with more independent behaviors may result in higher CASELOAD#s. In general, CASELOAD#s from 35 to 50 at elementary (less in the fall to allow for growth) and 40 to 55 at secondary are considered normal.

Elementary classes will generally have a slightly smaller CASELOAD# than secondary classes, due to the greater individual student management needs presented by younger students. However, any class with students who exhibit behaviors requiring more individualized attention may result in lower CASELOAD#s while classes with students with more independent behaviors may result in higher CASELOAD#s. In general, CASELOAD#s from 35 to 50 at elementary and 40 to 55 at secondary are considered normal.

When the CASELOAD# rises above 50 the district should evaluate the class to determine whether or not full or part time paraprofessional assistance may be appropriate, especially with classes which more nearly resemble the traditional 'self contained' model. This evaluation should consider such factors as grade/age range of the students assigned; overt behaviors of specific students; students ability to work independently; and whether the teacher is providing support services or is responsible for the initiation of instruction and in how many areas.

Even classes with a CASELOAD# significantly below 60 may require an aide due to an individual student's needs or behaviors. In such cases the paraprofessional would likely be designated and assigned as a personal assistant aide rather than an instructional aide.

Requests for approval of classes for which the CASELOAD# will exceed 60 must be evaluated in terms of individual student and teacher needs. Such approvals will be granted sparingly. Depending upon the individual class situation, a paraprofessional may be required for certain periods, required full time, or permission to extend the CASELOAD# upward may be denied.

Caseload/Class Size Requirements

Class size for all placements in special education shall be no more than 10 at any time.

The following chart details maximum full-time equivalent (FTE) teacher caseload based on each child's placement. Each child counts as a percentage of the teacher's total caseload. To determine a teacher's maximum caseload, the number of children in a particular placement is multiplied by the percentage for that placement (e.g., 25 children in resource placement multiplied by .04 equals 1.00 FTE caseload). Totals of greater than 1.00 exceed the caseload requirements.

PLACEMENT	CASELOAD	
	PERCENTAGE	TOTAL*
Regular Classes Full-time	.025	40
Special Classes Part-time		
50% or less of instructional time	.04	25
Majority of instructional time	.077	13
Special Classes Full-time	.10	10
Home Instruction	.025	40

CATEGORY	CASELOAD		
	PERCENTAGE		TOTAL*
Speech/Language	60 minutes or less per week	.0165	60
	More than 60 minutes per week	.025	40
Developmental Delays		.05	20

*Total caseload is based only on that particular placement or category (e.g., total caseload of 25 for special classes part-time placement [50% or less of instructional time] is calculated assuming that the teacher serves children only in this type of placement).

If a teacher serves children in a variety of placements, percentages for each child's placement are totaled to determine the teacher's maximum caseload. For example, a teacher who serves 10 children in full-time regular class placement and 14 children in special classes part-time (50% or less instruction time) placement would have a total FTE caseload of .81. This is determined in the following manner: 10 children in regular class full-time placement multiplied by .025 equals .25, 14 children in special classes part-time (50% or less of instructional time) placement multiplied by .04 equals .56. The percentages .25 + .56 = total FTE of .81.

Teachers serving children who are eligible under the category of developmental delays may have a total caseload of 20. Class size for developmental delay classes shall be no more than 10 at any time.

The caseload for speech-language pathologists is determined by the amount of service a given child receives. A child who receives speech/language therapy 60 minutes or less per week counts as .0165 towards the total caseload, while a child receiving services 60 minutes or more per week counts as .033 (e.g., 50 children receiving services 60 minutes or less per week would count as .8 of the total caseload, and 6 children receiving services 60 minutes or more per week would count as .198 for a total of .998). Children who are eligible for services under the developmental delay category due to a significant delay in the communication domain are counted on the speech-language pathologist's caseload based on the amount of services received.

Caseloads for related service providers should reflect standards and ethics of their professions.

Consideration must be given to any potential harmful effects on the child or on the quality of services needed when making placement decisions.

Exceptions to Caseload/Class Size

For permission to adjust caseloads/class size for programs serving children with disabilities, the LEA must obtain a letter of approval from the Special Education Section of the SDE. The LEA must document that exceptions to caseload/class size do not interfere with provision of FAPE. The LEA must ensure that IEPs are implemented as developed to meet the educational needs of the children served, with consideration for any potential harmful effects to the child or the quality of the program. The use of teacher assistants, paraprofessionals and other support services are encouraged.

Caseload and Class Size for Special Education

This chart presents the caseload allowed on a single teacher's rolls; the number in parenthesis is the maximum number of exceptional students in the room with the teacher at any one time.

Type of Service	*Itinerant*	*Resource*	*Part-time*	*Full-time*
Academic Support Class				
Gifted Support	15-75(15)	12-50(15)	10-30(15)	10-15(15)
Learning Support	15-50(6)	15-20(8)*	10-15(8)*E 15-18(9)*S	6-12(12)*E 8-15(15)*S
Life Skills Support	10-20(4)*	10-20(6)*	10-15(8)*E 15-18(9)*S	8-12(12)*E 8-15(15)*S
Emotional Support	15-50(4)	15-20(6)*	10-15(10)*	6-12(12)*
Sensory and Communication Support				
Deaf or Hearing Impaired Support	15-50(4)	6-15(6)*	6-10(6)*	5-8(8)*
Blind or Visually Impaired Support	15-50(4)	6-15(6)*	8-15(8)*	5-12(12)*
Speech and Language Support	20-90(4)**			5-8(8)*
Physical Support	15-50(4)*	6-15(6)*	6-12(6)*	6-12(12)*
Autistic Support	8-12(4)*	6-8(6)*	4-8(6)*	4-8(8)*
Multihandicapped Support	8-12(4)*	6-8(6)*	4-8(6)*	4-8(8)*

*Paraprofessional assistance available.
**With no more than 90 sessions per week.

Source

Amended September 20, 1991, eff. September 21, 1991, 21 Pa B. 4281.

22 Pa Code 342.43 Approved private schools

(a) To meet the needs of certain eligible students and eligible young children, an approved private school assignment may be recommended whenever an appropriate placement cannot be provided within the local public schools solely because of the nature and incidence of the disability of the student or young child. When a school district, intermediate unit and the parent agree that the only source of an appropriate program of education for an eligible student or eligible young child is in an approved private school, in accordance with the stated admission policy of the particular school, the recommendation and supporting evidence shall be forwarded to the Department for final approval under Chapter 171 (relating to standards for approved private schools), and specifically §§ 171.13 and 171.16(a), (b), (d)—(g) (relating to program responsibility; and assignment).

(b) Caseloads, class sizes and program limitations presented in §§ 342.41 and 342.42 (relating to general; and educational placement) are not applicable in the case of placement in an approved private school. The applicable standards are found in Chapter 171, including specifically §§ 171.21—171.23 (relating to curriculum; personnel; and application for approval private school status).

22 Pa Code 342.44 Placement in out-of-State schools

See § 14.44 (relating to placement in out-of-State schools).

22 Pa Code 342.45 Placement by parents in private schools

See § 14.45 (relating to parental placement in private schools).

22 Pa Code 342.46 Facilities

(a) *General rule.* Special education schools and classrooms shall be comparable to regular schools and classrooms and shall conform to the requirements of school building regulations prescribed by the Departments of Labor and Industry and Environmental Resources. The classrooms shall include proper conditions, including natural and artificial lighting, ventilation, acoustical treatment, heating, adequate supplies and storage of materials to ensure a barrier-free learning environment. This provision includes facilities used to render services to students receiving related services as individuals or in small groups.

(b) *Need.* Facilities for the provision of special education services and programs shall be appropriate to meet the specific needs of the students assigned.

(c) *Fair share plan.* The comparability and availability of facilities for exceptional students shall be consistent with the approved intermediate unit or school district plan, which shall provide, by description of policies and procedures, the following:

(1) Exceptional students will be provided an appropriate classroom space.

(2) The moving of a class shall occur only when the result will be:

(i) To bring the location for delivery of special education services and programs closer to the students' homes.

(ii) To improve the delivery of special education services and programs without reducing the degree to which the students are educated with students who are not eligible.

(iii) To respond to an emergency which threatens the students' health or safety.

(iv) To accommodate ongoing building renovations, provided that the movement of exceptional students due to

service providers, support personnel, and other personnel (such as paraprofessionals, parents, surrogate parents and volunteers); and

(4) the resources, both financial and programmatic, are identified for the implementation of the local Personnel Development Plan (PDP). Districts may cooperate in combining funds on a multi-district or regional basis to address areas of mutual personnel development (CSPD) need.

VI. C. Provision for Leadership. LEAs shall provide appropriate and specific full time or percent of FTE leadership service for coordination and supervision of special education programs, including instructional assistance to special education teachers. Leadership may be provided within the district, on a multi-district or regional basis, or on contracted arrangement. Appropriateness of personnel assigned will be assessed by the State Office of Education. Appropriateness is defined as an administrative/supervisory credential with an emphasis in special education. In addition, LEAs may select certain special educators to serve as "consulting or helping teachers" to other special education personnel.

VI. D. Provision for Diagnostic and Assessment Personnel. School districts or agencies shall provide appropriate and specific identification, diagnostic and evaluation services. Plans, procedures and budgeting for identification, diagnosis and evaluation of students with disabilities will be evaluated as to appropriateness by the State Office of Education.

VI. E. Funded Prevalence of Disabling Conditions. The State Board of Education shall limit a district's allocation of state special education monies to 12.18% of the district's average daily membership. Children three and four years of age and those children turning five after September 1st, classified as developmentally delayed, are not to be included in the district's 12.18% ADM maximum.

VI. F. Maximum Caseloads for Service Patterns. Local school district administration will oversee the caseload of each special educator (including psychologists, social workers, communication disorders specialists, occupational therapists, physical therapists, adaptive P.E. specialists, and any other related servers) taking into account the number of students, the hours of service per student, the pupil/teacher ratio during instruction, and the number of students with severe disabilities in the caseload.

1. At any given time, the teacher's active caseload (head count, not ADM) for the following RESOURCE services (less than 180 minutes per day for grades 1-12 or less than 90 minutes per day for grade K) shall not exceed:

Resource Room, two or more disabilities	35
Communication Disorders	60
Hearing Impairments	20
Visual Impairments	20

2. At any given time, the teacher's active caseload (head count, not ADM) for the following SELF-CONTAINED services (180 minutes per day or more, grades 1-12, 90 minutes per day or more, grade K) shall not exceed:

Intellectual Disabilities	15
Specific Learning Disabilities	15
Behavior Disorders	12
Communication Disorders	12
Deaf	12
Hearing Impairments	12
Orthopedic Impairments	12
Other Health Impairments	12
Visual Impairments	12
Autism (with 1 FTE Aide)	12
Dual Sensory Impairments (with 1 FTE Aide)	12
Multi-disabilities (with 1 FTE Aide)	12
Traumatic Brain Injuries (with 1 FTE Aide)	12

3. Developmental Delays (Preschool).

   a. At any given time the teacher's active caseload ratio during a preschool session (AM or PM) shall not exceed:

      (1) 5 students with disabilities
      6-10 students with disabilities with 1 FTE aide
      11-15 students with disabilities with 2 FTE aides

      (2) At **no time** may a preschool teacher's maximum caseload exceed 30 students with disabilities.

   b. In any given preschool session (AM or PM) there shall be no more than 15 students under the teacher's supervision consistent with the caseload ratio described in 3. a. (1) and (2) above. A preschool session consists of a morning and afternoon session, Monday through Friday, or any part thereof.

4. In any given instructional period, there shall be no more than eighteen (18) students under the teacher's supervision.

5. At any given time, the teacher's active caseload (head count, not ADM) for the Homebound/Hospitalized self-contained service option for students with disabilities shall not exceed fifteen (15).

6. Districts shall adhere to these maximum teacher caseloads. The maximums stated are not intended as minimums, or as goals or standards to achieve. Generally speaking, the younger the student and/or the greater the severity of the disability, the lower the adult/student ratio should be. For example, a teacher in a self-contained class for students with moderate intellectual disabilities could serve up to 15; if students have severe disabilities, the caseload should be no more than 12.

7. The addition of an aide into the classroom does not permit teacher caseload maximums to be exceeded.

8. A one year approval to exceed the maximum teacher caseload stated can only be secured subject to justification submitted in writing to the State Director of Special Education by the LEA (school district) special education administrator.

9. Self-contained Resource: The maximum caseload for resource teachers serving self-contained students (180 minutes per day or more, grades 1-12, 90 minutes or more per day, grade K) in the resource room shall follow Table A, page 120. A maximum of ten students in the self-contained service is allowable with five resource students, for a total of 15 students by head-count, self-contained and resource combined. District administration shall take care that caseload is reflected accordingly with variables as outlined in Rule VI.F.6 above.

VI. G. Certification Requirements. Any professional providing services to students with disabilities must have a certificate or credential in the area in which they provide services. This includes special education teachers, communication disorders specialists, psychologists, social workers, physical and occupational therapists, and other professionals. The district superintendent shall be responsible for the assessment of credentials when assigning staff members (see Appendix D for State Certification Requirements).

1. Teachers managing the IEPs of students with disabilities who need instruction in core curriculum based academic, behavior and life skill demands must hold a Special Education Certificate for teaching students with disabilities (K-12) with a mild/moderate endorsement. This requirement applies regardless of setting (resource or self-contained), or category of disability.

2. Teachers managing the IEPs of students with learning/behavior/adaptive deficits, who need instruction in functional academic, functional behavior, and functional life skill demands, must hold a Special Education Certificate for teaching students with disabilities (K-12) with a severe endorsement. This requirement applies regardless of setting (resource or self-contained), or category of disability.

3. Teachers providing service to the single categories of CD, HI, VI, must be endorsed in the category to be served.

4. Teachers assigned to teach academic subjects in secondary special education programs must, in addition to their basic or standard certificate to teach special education, obtain not fewer than nine (9) quarters hours of state approved college or inservice course work in each of the subject areas in which credit is awarded, or must meet the demonstrated competency requirement.

5. Teachers serving students identified as having a disability and receiving homebound or hospital instruction must be certificated as follows:.

   a. If the homebound/hospitalized student with disabilities was previously served in a resource setting, the teacher serving the student may have any regular or special education credential.

   b. If the homebound/hospitalized student with disabilities was served in a self-contained setting in the school, or if the home/hospital service is the placement

TABLE A

MAXIMUM CASELOAD

FOR

SELF-CONTAINED/RESOURCE COMBINED OPTION

Categories Allowable:

All Categories, Depending
On Individual Student Needs,
As Determined By IEPs

Students Self-Contained in Resource Class (180 minutes per day or more, grades 1-12; 90 minutes per day or more, grade K)	Resource Students (Less than 180 minutes per day grades 1-12; less than 90 minutes per day, grade K)	Total Students (Head Count)
1	32	33
2	29	31
3	26	29
4	23	27
5	20	25
6	17	23
7	14	21
8	11	19
9	8	17
10 (max)	5	15

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